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M. TULLI CICERONIS

PRO

P. CORNELIO SULLA

ORATIO AD IUDICES

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P. CORNELIO SULLA

ORATIO AD IUDICES

EDITED FOR SCHOOLS AND COLLEGES

BY

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PREFATORY NOTE.

THE general plan of this edition is in the main the same as that of the other editions prepared by me for the Syndics of the University Press. The speech is one that will be new to most English schools and even to most English University students. I venture to think that it will repay study. It contains hardly any passages of extreme difficulty; the subject-matter is fairly interesting and very often important. To judge from the editions of Halm and Richter, the speech has found wide acceptance in Germany.

I have followed my usual plan of drafting my own work as completely as possible before referring to any previous editions. My own results have since been carefully compared with those of Halm and Richter, and any debts due to them have been acknowledged in the notes. In textual matters I have anxiously weighed for myself all the evidence accessible to me. Special pains have been taken in

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the Introduction to give a clear and complete view of the subject-matter of the speech. Much matter that ordinarily appears in notes has been removed there; the notes have been restricted so far as possible to the explanations of the Latinity of the oration. In the critical notes I have especially selected for comment such readings as illustrate points of grammar, syntax and language generally.

JAMES S. REID.

GONVILLE AND CAIUS COLLEGE, CAMBRIDGE,
September, 1882.

INTRODUCTION.

1. THE case of Sulla arises out of the conspiracy of Catiline, which Cicero crushed in his consulship, 63 B.C. The history of that conspiracy is generally accessible even in its minutest details. I shall here merely give such an account of it as is necessary for the comprehension of Sulla's case, dwelling at length only on such points as are closely connected with the arguments in Cicero's speech.

2. The year 70 B.C. saw the last traces swept away of the political institutions established by Sulla the dictator. The violence and despotism of the preceding twenty years had corrupted to utter rottenness the public life of Rome, which for generations past had been on the decline. The old constitution was by Pompey restored in name, but the forces which had once given it life existed no longer. For another twenty years the fate of the Roman Empire lay in the hands, not even of the citizen rabble, but of armed ruffians whom politicians of all parties did not scruple to employ. By their acts all men shewed an agreement that government by brute force was alone possible. At length the gladiators were replaced by the disciplined brute force of Caesar's armies.

3. Besides the political dissolution, there existed all over Italy, and above all in the capital itself, a vast amount of social distress. There was in consequence a general feeling of insecurity and discontent. The dictator Sulla had impoverished thousands of families by his proscriptions; both those who had lost and those who had gained by these were in a continual

state of uneasiness and unrest. The soldiers also whom the dictator had planted by thousands on confiscated lands remained for many years in a state of almost open hostility with the surrounding populations.

4. There were thus on all sides elements which might be expected to feed the flame of revolution if once kindled by a bold and able leader. But though discontent was general, the desires and aims of the disaffected were so various that it was almost impossible to unite them under a single head. To make a successful revolution, a regular army was needed, and there were perhaps at that time not more than two Romans—Pompey and Lucullus—who could have appealed to the army with success. Caesar's time was not yet.

5. In the years from 70 to 66 B.C. public attention at Rome was principally directed to the continual attacks on each other made in the law-courts by the adherents of the two chief parties —that which inherited the traditions of Sulla and called itself the party of the optimates, and that which professed to represent Marius and described itself as popular. Apart from these disputes, which often gave occasion for violence, the principal matter that aroused contention was the command against the Cilician pirates and against Mithridates in the East. By combining with the popular party, Pompey succeeded in obtaining vast and undefined powers which would easily have enabled him to seize despotic authority, had he been so minded. He was absent from Rome during the whole time of the agitations caused by Catiline.

6. In the summer of 66 a vigorous struggle was carried on by the candidates for the consulship of the year 65. The most prominent aspirant was L. Sergius Catilina. He had made his *début* in public life (so says Quintus Cicero)[1] by steeping his hands in innocent blood during the reign of terror. Even if

[1] De pet. cons. § 9 *primus ad rem publicam aditus in equitibus Romanis occidendis fuit.* Ihne, Hist. Rom. v. p. 381 n. curiously asserts that the worst atrocities recorded of Catiline are never mentioned by Cicero himself. They formed the staple of the '*oratio in toga candida*', according to Ascon. 84.

some of the savage details reported by ancient historians be exaggerated, enough remains to prove that he had few superiors in cruelty. His private life was at the time believed to be foul; once at least he had to stand a public trial for gross immorality, when the general voice pronounced him guilty, though bribery and other corrupt influence induced the jury to acquit him. In spite of his disgraceful history, Catiline seems to have exercised a fascination over many men who were not altogether bad. He would appear to have had charm of manner, persuasiveness of speech, and a turn for diplomacy.

7. Catiline was praetor during the year 68 and governed Africa as propraetor from the summer of 67 to the summer of 66, returning in time to canvass for the consulship. Even before his return deputations of the African provincials waited on the Senate to complain of his oppression. The Senate condemned Catiline in formal resolutions, which he treated with contempt[1]. On his arrival he was at once arraigned for extortion (*repetundarum*) by P. Clodius, afterwards infamous as tribune. L. Volcatius Tullus, one of the consuls of the year 66, formally consulted the Senate on the question whether Catiline should under the circumstances be recognised as eligible for election. The Senate was probably incensed on account of his disregard for its authority and empowered Volcatius to refuse votes for him. Catiline thereupon abandoned his candidature[2].

8. The successful candidates were P. Autronius Paetus and P. Cornelius Sulla, for the latter of whom Cicero afterwards delivered the speech on which we are now engaged. Autronius had been quaestor along with Cicero[3]. Sulla was possibly the

[1] Ascon. 85.

[2] Ascon. 89 *L. Volcacius Tullus consul consilium publicum habuit an rationem habere deberet si peteret consulatum, nam quaerebatur repetundarum. Catilina ob eam causam destitit petitione.* This passage has often been misunderstood. *Publicum consilium* clearly indicates the Senate. It is also plain that the decision was arrived at *before* C. had formally announced to Tullus that he would be a candidate; the preceding words of Ascon. *professus deinde est Catilina se petere consulatum* do not refer to any such formal notice. Sall. Cat. 18 has a garbled account of the occurrence.

[3] Sull. 18.

son of a brother of the great dictator[1]. Cicero speaks of him as having brandished the bloody spear of his relative, that is, as having revelled in the sales of confiscated property, conducted under the sign of the spear (*sub hasta*), whereby he amassed great wealth[2]. True to his nature, he was not found wanting when, thirty-six years later, 'the still more abominable spear' of Julius Caesar was employed in like work[3].

9. No sooner were Sulla and Autronius elected than they were prosecuted on a charge of bribery, committed during the struggle for the consulship. The prosecutor of Sulla was the T. Manlius Torquatus who opposed Cicero in the present case, while Autronius was arraigned by L. Cotta, brother of the distinguished orator[4]. Bribery was a perennial offence at Rome, and the cause of many statutes but few convictions. For the moment, however, it had been pushed even beyond those limits which Roman public opinion regarded as reasonable. The charges were preferred under the provisions of the *lex Calpurnia de ambitu*, passed two years earlier by a consul who had won that office by unstinted bribery. An unsuccessful attempt was made by Autronius to put an end to his own trial by force. Cicero declares that Sulla made no such endeavour[5]; we can however well imagine that he would have been pleased had the attempt of Autronius succeeded, even if he did not abet it. In the end the two consuls-elect were condemned[6]. In addition to a heavy monetary fine, the conviction brought with it, under the law of Calpurnius, perpetual exclusion from the Senate and from all public offices; also loss of the much prized *ius imaginum*. The busts of the ancestors of Sulla's family could no longer be displayed at funerals, or on festive occasions[7]. These penalties

[1] Dio C. calls him ἀδελφιδοῦς of the dictator, Cicero only *propinquos*.

[2] Off. 2, 29.

[3] *Sceleratior hasta*, Off. l. l. In Sull. 72 Cic. declares that Sulla saved many lives during the proscriptions of his relative, but does not venture to assert that he destroyed none.

[4] Ascon. in Corn. 74.

[5] Sull. 15.

[6] Sull. 1, 15, 36, 38, 49, 62, 66, 73, 88, 91; Or. in tog. cand. fr. 13 ed. Müller; Dio C. 36, 44 ed. Dindorf; Sall. Cat. 18, 2; Suet. Iul. 9.

[7] Sull. § 88. It is difficult to

were felt to be exceedingly severe, and the strong terms in which Cicero describes them probably do not overshoot the public feeling of the time. Earlier bribery laws had left loop-holes open for a return to office and the Senate. The convicted briber was now doomed to political extinction[1].

10. The vacant consulships were filled by Cotta, who had prosecuted Autronius, and by Torquatus, the father of Sulla's antagonist[2]; both these had been candidates at the earlier election. Autronius immediately conspired with Catiline and Cn. Calpurnius Piso, a youth of high birth but abandoned character, to murder the consuls at the very outset of their official career, on the occasion of their appearing in the Capitoline temple to take vows for the welfare of the people, according to ancient custom[3]. Vargunteius and others were also in the plot[4], which was no doubt to be executed with the aid of gladiators. Catiline and Autronius were to be proclaimed consuls, while Piso was to be placed at the head of an army in Spain[5]. Sallust states that the plot was formed in the early days of December 66; but before the end of the month it had become known, and a body-guard was provided by the Senate for the consuls-elect[6]. An attempt was also made to brand the conspirators with public infamy by a decree of the Senate, but some tribune intervened[7]. The execution of the plot was now postponed to the nones of February. At the same time its scope was enlarged; it became a kind of Guy Fawkes' conspiracy for the massacre of the Senate. It was believed that the enterprise only failed

see how such a penalty could be enforced.

[1] Cf. Ascon. 74; Schol. Bob. 361; Mur. 46 *erat seuerissime scripta Calpurnia* [*lex*]. A passage in Cluent. 98 mentions a *restitutio in integrum* of a man convicted for bribery, if he prosecuted successfully another person on the same charge. This passage, although spoken after the passing of the *lex Calpurnia*, may and I think does refer to the earlier period.

[2] Fin. 2, 72 makes it clear that Torquatus the son, and not the father, was the prosecutor of Sulla; therefore Ascon. 74 and Dio C. 36, 44 (followed by many modern authorities) are in error.

[3] Sall. Cat. 18, 4 sq.; Ascon. 93, 94; Sull. 68.

[4] Sull. 68; Or. in tog. cand. 93 (Ascon.).

[5] Sall. Cat. 18, 5.

[6] Dio C. 36, 44.

[7] Dio C. l. l.

because Catiline on the appointed day prematurely gave the signal to begin[1]. The conspirators escaped without punishment. Piso, who was quaestor, was even sent by the Senate to Spain with the rank of praetor, where his misdeeds soon brought him to an untimely end[2].

Question of Sulla's Complicity

11. The question whether Sulla was an accomplice in this earlier conspiracy of Catiline cannot be absolutely decided. It is probable that he was, but had so managed that strict legal proof of his offence could not be procured. Torquatus in this case charged him with complicity; Hortensius, who claimed to have been in the secret counsels of the consuls Cotta and Torquatus, met the charge. Yet it can be seen from Cicero's language that the defence was by no means confident or triumphant; everything he says is consistent with the supposition that Sulla had secretly encouraged the conspirators and perhaps aided them with his wealth[3]. The authority followed by Dio Cassius believed that Sulla was to benefit by the plot, and it is probable that Livy so told the story[4]. It is impossible to attribute any importance to the account of Suetonius, that Crassus and Caesar were behind Catiline, and desired to reinstate the ejected consuls in order that they might nominate Crassus as dictator, who would then have appointed Caesar his master of the horse[5]. This tale sprang partly from the protection extended in the Senate to Piso by Crassus, and partly from surmises current concerning Caesar and Crassus during the later conspiracy of Catiline. Nor must we lay much stress on the passage from a letter of Cicero to Pompey, which Torquatus declared to incriminate Sulla. From what Cicero says we may conclude that Sulla's name was not explicitly mentioned[6].

[1] Ascon. 93, 94; Sallust. l. l. Dio C. passes over the second attempt.

[2] Dio C. 36, 44; Ascon. 94 *occisus erat, ut quidam credebant, a Cn. Pompeii clientibus Pompeio non inuito.* These *clientes* must have been the inhabitants of some town of which P., who had of course close relations with Spain, was *patronus*.

[3] Sull. 11, 12, 67, 74.

[4] Epit. 101; but the '*damnati ambitus*' there mentioned may have included Vargunteius, who had also suffered for that offence, and may have excluded Sulla.

[5] Suet. Iul. 9.

[6] Sull. 67.

12. According to Cicero, Sulla's outward demeanour after his condemnation was admirable, and he behaved as though he keenly felt his disgrace. How careless public opinion at Rome was about such matters is shewn by the fact that Torquatus, whom Catiline had desired to assassinate, appeared as one of that gentleman's friends and supporters when he was tried on a charge of misappropriating public moneys, the prosecutor being the notorious Clodius[1]. With this in view, it need not surprise us that Cicero, in order to serve his own interests, was ready to defend Catiline, though he was prevented by absence from Rome[2]. After a protracted trial, Catiline's bribery proved sufficiently persuasive to secure his acquittal. The arraignment had served the purpose of preventing him from standing for the consulship of the year 64. For the consulship of the year 63 Cicero was a successful candidate, after a severe struggle against the combined forces of Catiline and Antonius. Antonius was second at the poll. Catiline immediately proclaimed himself a candidate for the consulship of the year 62.

13. To the end of the year 64 Sulla appears to have lived almost constantly at Naples; but on the 10th December in that year he was certainly in Rome. The election of Antonius as consul prompted the new tribunes, who entered upon office on that day, to put forward a number of exciting proposals, certain if pushed to bring on turbulent proceedings[3]. Among the tribunes was L. Caecilius, a half-brother of Sulla[4], who proposed a bill for relieving Sulla and Autronius of a portion of the penalties they had suffered under the Calpurnian law, by providing that in their case only such punishment should be inflicted as was permitted by the bribery laws older than the Calpurnian[5]. This measure would have allowed the condemned to sue afresh for office at the end of ten years from their conviction; also (some think) to regain their former position if

The Bill of L. Caecilius

[1] Sull. 81.
[2] Att. 1, 2, 1; ib. 1, 1, 1.
[3] Dio C. 37, 25.
[4] Sull. 62 *fratris sui*, which seems to point to a second marriage of Sulla's mother, rather than to an adoption of a full brother into the Caecilian *gens*.
[5] Sull. 63.

they prosecuted to condemnation another culprit for the offence of bribery. This proposal excited great alarm in the minds of the senators; they believed that Autronius would certainly use force, which they possibly expected to be backed by Sulla's riches. The year 64 had been distinguished for bribery more flagrant than ever, and the Senate had tried in vain to pass a corrective enactment more severe even than the Calpurnian[1]. The tribune who vetoed the bill had bitterly attacked Cicero, and had been answered in the lost speech entitled '*in toga candida*'. Therefore the Senate was not free, nor was Cicero free, to show any favour to the proposal of Caecilius. Sulla put the best face on the affair, and commissioned one of the praetors to say in the Senate on the 1st January 63 that he did not desire the matter to proceed further[2].

Second Conspiracy of Catiline

14. It is unnecessary to recount in all its details the familiar history of the second conspiracy of Catiline. But for the understanding of Cicero's speech for Sulla we must have clearly in view the main facts of the plot, and must understand minutely one or two matters connected with it. Cicero tells us that he became aware of Catiline's designs even before entering on his consulship[3]. The first precaution was to bribe Antonius into neutrality by making over to him the province of Macedonia, which had fallen to Cicero by lot. The spring and summer were occupied with the contentions about the agrarian law of Rullus, the trial of Rabirius for the death of Saturninus, the proposal to restore to their rights the children of those whom Sulla had proscribed, Caesar's intrigues to secure the office of *pontifex maximus*, Cicero's laws to check bribery and the abuse of the *libera legatio*, and above all the rivalry of the candidates for the consulship of the year 62. Catiline was competing, along with several members of the highest families in Rome. We find in the speech for Murena a lively picture of his appearances in the forum at this time[4]. Information reached Cicero through a spy that Catiline had determined to murder him on the day of the consular election, at which it was necessary for

[1] Ascon. 83, 88.
[2] Sull. 65.
[3] Cic. Cat. 1, 11 and 15.
[4] Mur. 49.

the consul to preside[1]. Autronius was to act as Catiline's lieutenant on the occasion[2].

15. On the day before the election Cicero summoned a meeting of the Senate, and questioned Catiline about his proceedings. The conspirator made an exultant and defiant speech, for which, says his adversary[3], he ought never to have been allowed to leave the house alive. The senators, however, declined to take any steps, and Cicero was driven to the protection of a cuirass, part of which he exhibited outside his toga to arouse odium against Catiline; he also enlisted a body guard of personal friends. The comitia once more rejected Catiline, and conferred the consulship on D. Iunius Silanus and L. Licinius Murena.

16. The scheme for an armed rising, long in preparation, was now hurried to completion. Three armies of Sulla's veterans and other disaffected persons were to assemble in Italy, one under an old captain of Sulla's, Manlius, in Etruria, another in Picenum, another in Apulia. Outbreaks of slaves, mostly gladiators, were also arranged[4]. Catiline moreover relied on the aid of C. Antonius the consul, of Piso in Spain, and of C. Sittius in Mauretania, but these all for different reasons failed him. The man last mentioned had a remarkable career. He belonged to Nuceria in Campania, and was a Roman knight. Being deeply involved in debt, he favoured for a time the designs of Catiline, but unlike most of the conspirators, who clung desperately to their *possessiones*[5], he suddenly empowered P. Sulla to sell his landed property, paid his debts, and left Rome for Spain[6]. It was suspected that he had gone there at Sulla's instigation to further Catiline's designs, but his actions lent no support to the suspicion. He had large business transactions in Spain, which had taken him there on a previous occasion. Moreover he left Italy before Catiline began to make active preparations for a rising. From Spain he went to Mauretania, and returning to Rome after Catiline's insurrection was suppressed, found himself threatened

[1] Dio C. 37, 29; Plut. Cic. 14.
[2] Sulla 51.
[3] Mur. 51.
[4] Sull. 53.
[5] Sull. 56.
[6] Sull. 56.

with a prosecution on account of his connexion with the conspiracy[1]. He left Italy with a military contingent, which he reinforced in Spain, and passing into Mauretania played the part of king-maker there for eighteen years. During the war in Africa between Caesar and the Pompeians, he espoused Caesar's cause and materially aided the victorious party. For his services Caesar gave him a kingdom in Africa, in which he settled his followers; but soon after Caesar's death he succumbed to the treachery of an African prince[2].

17. Information came to Cicero that Manlius was to march for Rome on the 27th October, while Catiline was to head a rising in the city on the 28th; the first act of this was to be the murder of Cicero and a large number of the senators; the second the capture of the stronghold of Praeneste[3]. On the 21st October the Senate met, and after Cicero had imparted to them the news of the plot, the *senatus consultum ultimum* was passed, which was equivalent to the proclamation of martial law, and enabled the consuls to take any measures that might seem to them to be necessary for the protection of the capital and the empire[4]. The apprehended danger passed over; Catiline assumed an air of injured innocence, and the citizens generally were inclined to make light of Cicero's fears. But news soon arrived that Manlius had really begun his enterprise on the 27th October, and that an insurrection was ready to break out among the slaves at Capua and elsewhere. Effective military measures were at once taken to meet these perils.

18. On the night of the 6th November was held the famous meeting of conspirators at the house of M. Porcius Laeca in the 'street of the scythe-makers' (*inter falcarios*) when a detailed scheme of action was adopted[5]. One part of it was that two

[1] Appian. 4, 54; Dio C. 43, 3.
[2] Dio C. 43, 3—12; Bell. Afr. 25, 48, 93, 95; App. 4, 56.
[3] Cat. 1 §§ 7, 8.
[4] Sall. Cat. 29; Cic. Cat. 1 §§ 3, 4; Att. 10, 8, 8.
[5] Cic. Cat. 1 §§ 8, 9; 2, 12; Sallust. Cat. 27, 28; Sull. 52 *nocte ea quae consecuta est posterum diem nonarum Novembrium.* In this last passage Cic. is evidently at pains to give the date precisely, and so discards the usual designation of the day (a.d. VIII Id. Nov.) for one which gave less chance of error. It is impossible therefore

Roman knights, C. Cornelius and L. Vargunteius, undertook to murder Cicero, under cover of a pretended friendly visit to be paid, as was customary with Romans, at a very early hour in the morning. But this atrocious plot was betrayed as soon as formed, and the assassins, arriving at Cicero's door very early in the morning of the 7th November, found it barred against them[1]. At a hastily summoned meeting of the Senate, Cicero attacked Catiline in the first of the four orations we still possess, and drove him to quit Rome. His friends asserted that he had gone into voluntary exile to escape the tyrannous cruelty of Cicero, but events soon revealed his real designs. The chief of those who remained behind in Rome to further the plot by despatching munitions of war, and by devising schemes for murder and conflagration were Lentulus, Cethegus, and Autronius. The last-named was intended to hold a command in Etruria, but for some reason did not go there[2]. P. Cornelius Lentulus Sura, was, according to Cicero, Catiline's principal lieutenant[3]. He had already reached the consulship, but had been ejected by the censors from the Senate on account of his bad character, and was now praetor for the second time. His 'depraved and impious superstition'[4] as Cicero calls it, is well known. He declared that the Sibylline books marked out three Cornelii to become lords of Rome; the first of these was the dictator Sulla, the second Cinna, the third himself. Cethegus, on whom the task of murdering Cicero now fell, was a hotheaded man, and continually complained of his

to suppose (with Lange) that Cic. has made a slip in giving the date, and that the meeting really occurred on the 5th Nov.

[1] Cic. Cat. 1, 9; Sallust. Cat. 28. Sallust gives the names of the murderers as C. Cornelius and L. Vargunteius; Cic. Sull. 52 mentions C. Cornelius only, but speaks of *duo equites* in Cat. 1, 9; hence Appian 2, 3 is wrong in naming Lentulus and Cethegus, as is Plut. Cic. 16 in designating Marcius and Cethegus. These authors have failed to distinguish between C. Cornelius and C. Cornelius Cethegus. In Sull. 18 Cic. speaks of Autronius as having tried to let loose on him these assassins, but the statement is a rhetorical exaggeration, based on the fact that Autronius was acting with Catiline's party at the time.

[2] Sull. 53.

[3] Sall. Cat. 31, 39, 43.

[4] Sull. 70 *perversam atque impiam religionem;* cf. Cat. 3, 9; Sallust. Cat. 47, 2.

associates as slothful[1]. He was not new to the trade of assassination; Cicero intimates that he had in early life taken a journey to Spain in order to kill Q. Metellus Pius, whom he only succeeded in wounding[2].

The Allobroges

19. The final suppression of the conspiracy in the city came about because Lentulus and Cethegus tried to induce certain ambassadors of the Allobroges to support Catiline by raising insurrection in Gallia Cisalpina, which province was then in a very unsettled state. These ambassadors played the Catilinarians false and were caught by arrangement on the night between the 2nd and 3rd December, with letters in their possession from Lentulus, Cethegus and a certain conspirator Statilius, binding the writers by oath to go through with the enterprise. These documents were intended to be shewn by the ambassadors to their fellow-countrymen in Gaul. At the same time one Volturcius of Croton, bearing a despatch from Lentulus to Catiline, was taken prisoner, and was allowed to turn state's evidence. Cicero took immediate steps to secure five of the principal conspirators, Lentulus, Cethegus, Statilius, Gabinius, Caeparius; four of them were brought before the Senate at once, and the fifth captured immediately after the meeting. On being confronted with the despatches and with Volturcius and the Gauls, the plotters acknowledged the truth of the information. All of them were given into the custody of members of the Senate, and the same measure was ordered in the case of four others who had escaped, should they be caught. The only notable person among these was L. Cassius Longinus, who had been praetor in 66 and had competed with Cicero for the consulship. He had dealings with the Allobroges, but declined to give them any written promise, and left Rome before they were seized[3]. Cicero took great pains to place on record the whole proceedings at this meeting of the Senate, and to spread copies over Italy[4].

The Arrest Dec. 2-3rd

The Senate Dec. 3rd

[1] Sall. Cat. 43, 3; Cic. Cat. 3, 10.
[2] Sull. 70.
[3] Sull. 36 sq.; Sall. Cat. 44, 2; cf. Cic. Cat. 3, 14.
[4] Sull. 41, 42.

He also addressed the people on the same day in his third Catilinarian speech. Sallust tells us that the lower classes, who had been inclined to follow Catiline, now turned round and cursed him, because they found he had been preparing to burn the city over their heads[1]. In consequence of rumours that a rescue of the prisoners would be attempted, a meeting of the Senate was called on the 5th December, when after long debate it was decided that all five should be strangled in the state prison by the common executioner, the same punishment to be inflicted on L. Cassius and the three other conspirators, when captured[2]. The sentence was immediately carried out in the case of the five actually in custody. Although the *lex Porcia* guarded citizens from a disgraceful death, and a law of Gaius Gracchus threatened with punishment all who put any citizen to death without trial, Cicero regarded his responsibility as covered by that of the Senate, and in particular by the *senatus consultum ultimum*, which had always been held to justify such executions. He sometimes argued that no trial was necessary in the case of men who had confessed to their crimes[3]. In the following month Catiline himself was defeated and killed and his force scattered.

20. During this time Sulla, according to Cicero, remained at Naples[4]; excepting perhaps for a brief space about the time of the consular *comitia* at which Cicero presided[5]. Yet Sulla's former connexion with Autronius had evidently stimulated public suspicion. Campania was the great training-ground of the gladiators, many of whom were supposed to have been drilled and prepared to join Catiline. Moreover Sulla himself had helped to equip a band purchased by his relative Faustus Sulla, son of the great Sulla. The professed object of the purchase was to carry out a provision of the dictator's will by celebrating a gladiatorial exhibition in his honour[6]. Further,

[1] Cat. 48, 1; cf. Sull. 32, 33.
[2] Sall. Cat. 50, 4. The special function of Cassius, which he had begged for himself, was to set fire to the city; see Sull. 53; Cat. 3, 14.
[3] Sull. 33.
[4] § 53.
[5] Cf. §§ 51, 52.
[6] §§ 54, 55.

Sulla's relations with the people of Pompeii had attracted attention[1]. He was one of their *patroni* or honorary agents at Rome. The city was distracted by the dissensions between the old inhabitants and the new military colonists settled in the place by the dictator Sulla. Many other towns were in the same state at this time, and Catiline no doubt relied on using these disputes to his own advantage. P. Cornelius Sulla was suspected of fomenting the discord at Pompeii in Catiline's interest. Cicero answers that his client merely acted with the two other *patroni* as arbiter in the dispute between the old and the new citizens there[2]. Sulla's connexion with Sittius was also remembered against him. But although Sulla would no doubt have been ready to profit by Catiline's success, and may have given him secret aid or encouragement, direct evidence of complicity was not forthcoming. The Gaulish ambassadors had questioned the conspirators whether Sulla was in the plot, and had received a doubtful answer[3].

Prosecution of Catiline's Adherents 62 B.C.

21. In the early months of the year 62 the ordinary criminal law[4] was set in motion against several of Catiline's party. Their guilt was for the most part clear. Among them were L. Vargunteius, now deserted even by Q. Hortensius, who had alone supported him in a former trial, for bribery[5]; Autronius, who vainly appealed to Cicero as a former colleague[6]; Servius and P. Sulla, sons of a brother of the dictator[7]; M. Porcius Laeca, at whose house the famous meeting had been held, and C. Cornelius, the would-be murderer of Cicero. Cicero's language[8]

[1] §§ 60 sq.

[2] Madvig. Opusc. 1, 291 sq. seems to deny that the military colonists occupied the town, and appears to think they were settled on a tract of land not far from it. The matters to which the dispute referred (§ 61 *de ambulatione ac de suffragiis*) indicate rather that the colonists, when planted at Pompeii by the dictator, dominated the community; but the lapse of twenty years had weakened their power, and the old inhabitants were beginning to regain their rights.

[3] §§ 36 sq.

[4] The lex Plautia, which Cicero says 'quenched the smouldering embers of the conspiracy' (Cael. 70); see also below, § 25.

[5] Cf. Sull. 6.

[6] Sull. §§ 7, 18.

[7] Sull. 6.

[8] Everywhere in the *Pro Sulla*, and in the passage quoted from the *Pro Caelio* above.

makes it certain that none of these were acquitted. Against Autronius, and probably against all the others, evidence was given by Cicero himself[1]. When, four years afterwards, Cicero was driven from Rome by Clodius, Autronius was living as an exile in Epirus[2].

22. P. Cornelius Sulla was prosecuted by T. Manlius Torquatus, son of the consul of the year 65, who as well as his father had been closely connected with Cicero. Both father and son had rendered active assistance in the suppression of the conspiracy. The association of Cicero with the younger man had been especially intimate[3]; the two were united by like literary tastes, as well as by common views in politics. Torquatus had read widely[4], was no inconsiderable orator, and adhered to the Epicurean philosophy, which he defends in the first book of Cicero's *De Finibus*. During the civil war he sided with Pompey; at the outset, being praetor, he was at Alba, but fled on Caesar's approach, and afterwards commanded the fortress of Oricum in Epirus, but had to surrender to Caesar[5]. He then took service in Africa, and lost his life in attempting to escape with Scipio and other officers after the battle of Thapsus. Their ships had to seek refuge from a storm at Hippo, where P. Sittius had a fleet; all Scipio's vessels were sunk and their occupants drowned[6]. After the trial of Sulla, as before, Torquatus continued in friendship with Cicero. It was, as we have seen, the second occasion on which Torquatus and Sulla had encountered each other in the courts; they were destined to meet once again, nine years later, when both desired to prosecute Gabinius for bribery, and Sulla was selected[7]. In the case before us Torquatus was assisted by C. Cornelius, the son of the conspirator of the same name; nothing, however, is known of him excepting from Cicero's speech. It is doubtful whether he

[1] Sull. 10, 21, 48, 83.
[2] Att. 3, 2; ib. 3, 7, 1.
[3] § 34 *contubernalis in consulatu atque etiam in praetura;* cf. also § 2.
[4] Brut. 265 *erant in eo plurimae litterae, nec eae volgares, sed interiores quaedam et reconditae;* Fin. 1 §§ 25, 72.
[5] Att. 7, 12, 4; ib. 9, 8, 1; Caes. B. C. 1, 24; ib. 3, 11.
[6] Bell. Afr. 96; Brut. 266.
[7] Att. 4, 6, 11; Q. Fr. 3, 3, 2.

appeared as *subscriptor*, that is, as the formally acknowledged lieutenant of the prosecutor, or as witness, or in both capacities[1]. Torquatus clearly laid great stress on the fact that the son of a principal conspirator asserted Sulla's guilt[2].

Cicero & the Case

23. The real reasons which induced Cicero to undertake the defence do not appear on the surface of the speech. He alleges his desire to aid a man whom he had better reason than any one else for believing innocent[3]; his anxiety to shew that he could on due occasion be merciful as well as severe[4]; a natural impulse to act with the most distinguished men of the day, who had entirely spurned Vargunteius and the other condemned Catilinarians, while they were warm supporters of Sulla[5]. But in truth Cicero was casting about for support in the perils he saw advancing. Sulla's wealth and influence were very considerable, and our orator was anxious to lay him and his powerful friends under an obligation. Moreover, he had borrowed a very considerable sum of money from Sulla in order to purchase from Crassus a house on the Palatine[6]. In the present case Hortensius was joined with Cicero in the defence. It is well known that when Cicero was engaged in a case with other advocates, it was always arranged that he should speak last, on account of his great power of pathos, which impressed the jury most at the end of the pleadings[7]. So here the defence was opened by Hortensius. For convenience, he dealt mainly with the charges arising out of what is called the first Catilinarian conspiracy of 65 B.C., his colleague with those arising out of the second. Not without a touch of sarcasm, Cicero protests his ignorance of the first conspiracy, and tacitly intimates that the consuls of the

[1] The word *accusatoribus* in § 92, l. 13 seems to indicate that C. Cornelius was *subscriptor*, and that the word *accusat* in § 51, l. 3 does not refer merely to evidence.

[2] § 51.

[3] § 20.

[4] §§ 8, 9.

[5] § 5.

[6] Gellius 12, 12, 2 *cum emere vellet in Palatio domum et pecuniam in praesens non haberet, a P. Sulla, qui tum reus erat, mutua sestertium viciens tacite accepit.* Gellius goes on to say that the transaction became generally known, and did Cicero harm.

[7] Orat. 130; Brut. 190.

day ought to have sought his advice. But he contends that if Sulla had been guilty in 65, Hortensius, who was among the counsellors of the consuls, must have known it; if in 63 then he, Cicero, must have been informed of it; whereas no communication was made to either concerning Sulla, nor did any suspicion regarding him cross the mind of either[1].

Date of the Trial

24. The time of the trial can be fixed within narrow limits. Cicero writes to Sestius at a date which certainly lies between Dec. 10 of the year 62 and Jan. 1 of 61, and informs him that the purchase for which Sulla when *reus* lent the 2000000 sesterces, had been completed some time before[2]. This would lead us to place the trial not later than November 62. The trials of Vargunteius and the rest had lasted some months[3], and had probably not begun till Catiline was finally crushed. This would give May or June as the earliest date for the trial of Sulla. Further, Messalla, the consul of the year 61, is mentioned in such a way as to denote that he had not yet been elected when the speech was delivered[4]. The *comitia* are known to have been somewhat later than usual this year, and very likely did not take place till August. July was therefore probably the month of the trial.

Its Legal Character

25. The prosecution almost certainly took place under the *lex Plautia de vi*. A passage in the speech for Caelius intimates that those of Catiline's accomplices who were tried by the ordinary courts were convicted under a law passed by Q. Lutatius Catulus, during the commotions which arose out of the struggle between the party of Marius and that of Sulla[5]. Cicero's words

[1] §§ 11, 13, 14 etc.
[2] Fam. 5, 6.
[3] Sull. 92.
[4] §§ 20, (43. see n. on 42 l 3)
[5] Cael. 70 *de vi quaeritis...quam legem Q. Catulus armata dissensione civium rei publicae paene extremis temporibus tulit, quaeque lex sedata illa flamma consulatus mei fumantis reliquias coniurationis exstinxit.* These words surely cannot be reconciled with the opinion of C. F. Hermann and others that there was a *lex Lutatia* which merely regulated the procedure under the *lex Plautia*. The law with which Cic. connects the name of Catulus is manifestly a law dealing with the matter of the offence, and can be none other than the *lex Plautia*. Cicero's words are also strongly opposed to the supposition that the statute was passed in 89, when Catulus was

have led many scholars to imagine a *lex Lutatia*, which is nowhere else mentioned. It is more natural to suppose that as the Plautius who nominally carried the law was insignificant and would be unknown to the audience, Cicero named as its author the powerful statesman who set Plautius in motion. The enactment was probably carried in 78 B.C. when Catulus was consul, and was directed in the first instance against the friends of Lepidus, who were then causing much trouble at Rome. The provisions of the statute are not known to us with much exactness. Cicero describes it in general terms as punishing sedition of every kind and especially the crimes of besetting the senate by an armed force, offering violence to magistrates, and attempting by force to subvert the constitution[1]. All these offences might have been brought under the head of *perduellio* or *maiestas*. And just as the law of *perduellio* like our own law of treason was elastic and undefined, so great indefiniteness seems to have attached to the law of public violence based on the *lex Plautia*[2]. The later procedure was in some respects more stringent than the earlier process used for *perduellio*[3]. A trial might be held under the *lex Plautia* upon all *dies festi* and days when *ludi publici* took place, though all other legal proceedings were at such times absolutely forbidden. There can be no doubt that a standing court (*perpetua quaestio*) was established by the Plautian law. The president of the court would be one of the praetors, or a person nominated by him (called *iudex quaestionis* or *quaesitor*). The jury was necessarily

tribune with M. Plautius Silvanus, the author of the *lex Plautia iudiciaria* and joint author of the *lex Plautia Papiria*. The Plautius who passed a measure to recall the exiled followers of Lepidus must again have been a different person; the time was later than the crushing of Sertorius; see Gell. 13, 3; Suet. Iul. 54. [The *lex Plautia* is named as that under which the conspirators were tried, in the spurious *Declam. Sallust. in Ciceronem* § 3.]

[1] Cael. 1. It is recorded that the statute forbade any one to acquire the usual prescriptive title to property of which he had taken possession by violence; see Gaius 2, 45; Dig. 41, 3, 33, 2.

[2] Cael. 1.

[3] For all that relates to *perduellio* see Mr Heitland's (immediately forthcoming) edition of Cicero's *Pro Rabirio perd. reo.*

taken from among the persons whose names were on the jury-register (*album iudicum*). By the *lex Aurelia iudiciaria*, passed by Cotta in 70 B.C. and still in force, the juries were composed of senators, knights and *tribuni aerarii* in equal proportions. The *album* was drawn up in each year by the *praetor urbanus*, who appointed by lot for each criminal court a definite number of *iudices* to serve for the year. The president of the court usually selected by lot from his own special jury-list the names of a sufficient number of persons to try particular cases. The number of the jury was very likely not the same in every court, but depended on the provisions of the particular statutes by which the courts were established. After the president had constituted his jury, the prosecutor and defendant were ordinarily each allowed to object to (*reicere*, *reiectio*) a certain number of jurors (the number probably varying from court to court); the places of these were then supplied by a fresh recourse to the lot.

26. Such was the ordinary process, but we see from a passage in the speech for Sulla that the *lex Plautia de vi* marked out some special method for appointing the jury in this class of cases. Cicero's words are far from clear[1], but it results from them that the jury was not selected by lot, but in some way nominated by the prosecutor, the defendant having merely the right to object to a certain number of names. The prosecutor naturally selected such persons as would be likely to vote for condemning the defendant[2]. Such *iudices* were called *editicii*, and the method of nomination *editio* as opposed to the ordinary *sortitio*. The principle is only known to have been adopted in two other enactments, the *lex Servilia repetundarum* and the *lex Licinia de sodaliciis*; in each instance with certain special restrictions[3]. But in addition to the hardship of the *editio*, there was a hardship special to the case of Sulla, of which Cicero complains in the obscure words addressed to the jury '*vos reiec-*

[1] § 92.

[2] § 92 *ab accusatoribus delecti ad spem acerbitatis.*

[3] Cf. Holden's Introd. to Cic. *pro Plancio* p. 44. It had been proposed to adopt the principle of *editio* in the *lex Tullia de ambitu* of 63, but the proposal had been dropped.

tione interposita nihil suspicantibus nobis repentini in nos iudices consedistis'. The context shews that Cicero is not here finding fault with any unfairness on the part of the president of the court, but with the prosecutor for making a harsh use of a right which the law allowed him. It had probably been customary for the prosecutor to give some notice of the names he intended to propose for the jury; the defendant then had time to make inquiries and determine upon the jurors to whom he might with advantage object. But the practice rested on custom and not on the law, and Torquatus in this case insisted on the strict letter being carried out[1].

27. In all criminal courts the votes of the jury were given secretly, according to the *lex Cassia tabellaria* of 137 B.C. The number of the jury on the present occasion cannot be determined. It was probably not less than 50, nor greater than 100[2]. For the verdict in a criminal trial to be valid, it was necessary that two-thirds of the jury should vote. The penalties imposed by the *lex Plautia* cannot be stated with absolute certainty. That they were severe is clear from the strong language used by Cicero in the speech for Sulla, and elsewhere, when every allowance rendered necessary by his tendency to exaggerate has been made[3]. As the offence was really a variety of *perduellio* or *maiestas*[4], it is natural to suppose that the punishment for *vis*

[1] The Schol. Bob. 368 gives a different explanation of the passage, which he admits to be difficult. He supposes that some other culprit was being tried *de vi* at the same time with Sulla; that the nomination of jurors was by *sortitio* not *editio;* that Torquatus managed somehow to get the jury in the other case nominated first, and exercised such an influence on the challenging that all the tender-hearted jurors were already employed, and only severe men left to try the case of Sulla. This is only a bad guess, for (1) even after the *sortitio* in the first case probably a large number of names remained on the special jury-list of the court, and if *sortitio* was again used, it could not be said that Sulla's jurors were *delecti ab accusatoribus*, (2) if there had been such jugglery as the Scholiast supposes, Cicero would certainly have enlarged upon it.

[2] At the trial of Milo, conducted under a special enactment of Cn. Pompeius, the jury numbered 51.

[3] §§ 88—91; so in the speeches for Sestius and Caelius.

[4] It is so treated by Cicero in § 88 *ne exstinctor patriae, ne pro-*

was the same as that for treason, namely (at this period) the *aquae et ignis interdictio*, with its accompaniments and consequences. This was an indirect method of enforcing exile[1], which was never directly inflicted as a punishment, except by Cicero's law concerning bribery. Within a certain distance from the city[2] all men were forbidden to supply the criminal with two of the prime necessaries of life. The sentence carried with it *ignominia*, but as a rule not confiscation of property. A money fine may have been added to the *aquae et ignis interdictio*, but cannot have been allowed to be alternative to it[3]. The convicted criminal practically lost his status as a Roman citizen.

28. Sulla was acquitted. Not much of his subsequent history has been preserved. We find that Clodius used his house as a fortress from which to make sorties ; most likely with the owner's consent[4]. In 54 B.C. Sulla contended successfully with Torquatus for the right to act as prosecutor of Gabinius on a charge of bribery[5]. The result of this trial is unknown. Sulla joined Caesar's side in the civil war, and held high commands, particularly at Pharsalus, where he led the right wing[6]. He was appointed to carry over an army into Africa in the year 47, but the troops mutinied[7]. His death occurred in 45. All the references to him in Cicero's writings after the speech are unfriendly or jeering. Special stress is laid on his par-

ditor, ne hostis appelletur...id laborat, id metuit; cf. Cael. 70 *quae lex ad imperium, ad maiestatem, ad statum patriae, ad salutem omnium pertinet.*

[1] § 90 *an vero inimicum ut expellas*, words hardly reconcilable with the theory of some scholars that the punishment prescribed by the *lex Plautia* was *ignominia* accompanied by confiscation of property.

[2] Possibly 400 *millia passuum*, the distance fixed by the law in Cicero's case.

[3] The passage in the *Declamatio in Cic.* § 3 *alios pecunia condemnabas* does not imply this (as Richter and others suppose); the words which immediately follow shew the charge to be one of levying black mail on the conspirators.

[4] Att. 4, 3, 3.

[5] Sulla's object may have been (though I do not think so) to obliterate the consequences of his own conviction; see above, p. 11, n. 1.

[6] Caes. B. C. 3, 51 and 89; Appian. 2, 76.

[7] Att. 11, 21, 2; ib. 22, 2.

ticipation in the confiscations carried out by the Caesarian party[1].

29. It now only remains to give some detailed criticisms and information touching the subject-matter of Cicero's speech. The teachers of rhetoric at that time divided forensic orations into six parts, the exordium, the statement of the case, its division into parts, the proof of the speaker's view, the refutation of his opponent's, the peroration[2]. This arrangement was open to modifications, and as we shall see is not precisely followed in the present speech. Cicero himself indicates once or twice that his arrangement was in some respects unusual[3], and we may divide the oration thus:

a. §§ 1—10 *exordium.*
b. §§ 10—14 *narratio* or *propositio.*
c. §§ 14—20 first part of *confirmatio.*
d. §§ 21—35 *digressio* (παρέκβασις).
e. §§ 36—68 *refutatio.*
f. §§ 69—77 second part of *confirmatio.*
g. §§ 78—80 commonplace about torture.
h. §§ 80—87 third part of *confirmatio.*
i. §§ 88—93 *peroratio.*

30. *a.* §§ 1—10. The *exordium.* All the ancient writers on rhetoric describe it as the proper function of the introduction to render the jury well disposed towards the speaker, and attentive to what he is about to say. Cicero begins by com-

[1] Fam. 15, 17, 2 *Sullam patrem mortuom habebamus; alii a latronibus, alii crudidate dicebant; populus non curabat, combustum enim esse constabat. Hoc tu pro tua sapientia feres aequo animo, quamquam πρόσωπον πόλεως amisimus. Caesarem putabant moleste laturum, verentem ne hasta refrixisset.* In the punning phrase *combustus* there is a bitter allusion to Sulla's appearances in the criminal courts; cf. the word *ambustus.* Further Cassius ap. Fam. 15, 19, 3 *itaque Sulla, cuius iudicium probare debemus, cum dissentire philosophos videret, non quaesivit quid bonum esset, sed omnia bona coemit;* and Cicero himself, Fam. 9, 10, 3.

[2] Cornif. 1, 4 *exordium narrationem divisionem confirmationem confutationem conclusionem;* so Cic. Inv. 1, 19. In Part. Or. 1, 3 Cic. makes four divisions, running *narratio* and *divisio* together on the one hand, and on the other *confirmatio* and *confutatio.*

[3] Cf. § 69.

miserating the lot of Sulla; he then expresses his own satisfaction that, after the severity he exhibited in his consulship, he can at last shew his nature to be truly merciful; next, after a hint that Torquatus has bestowed scant courtesy upon an intimate friend, Cicero repels the allegation that, having prosecuted the Catilinarians before, he is now inconsistent in pleading the cause of one charged with participation in the plot. His answer substantially is that if he is inconsistent, so are all the other optimates; and that the case of Sulla is quite different from the rest.

31. *b.* §§ 10—14. The *propositio.* The facts of Catiline's intrigues were so familiar to the jury that there was no need for an elaborate narrative. In this section of his speech Cicero merely defines the charges he intends especially to meet, namely those relating to the conspiracy of 63 B.C.; the so-called first conspiracy had been dealt with by Hortensius. The reason given is that the one knew all about the first conspiracy, the other about the second. A hint is conveyed that the father of Torquatus, being consul in 65, ought to have taken Cicero's advice concerning the troubles raised by Catiline in that year.

32. *c.* §§ 14—20. The *confirmatio;* first part. The only actual testimony to Sulla's innocence was that of Cicero himself, to the effect that during the whole course of the conspiracy he never had cause to entertain suspicion concerning his client. Cicero enlarged upon the topic so extensively, that care was needed to prevent this portion of his speech from being wearisome. He has therefore, with great skill, divided what he had to say into three sections, and has interposed other matter between the first and second, and between the second and third. In this first division Cicero insists on the absolute completeness of his own acquaintance with the details of the conspiracy; on the value his testimony ought to have; on the faith which ought to be placed in it on account of his stern refusal to come to the aid of real criminals like Autronius. Cicero takes an opportunity of pointing out that Sulla remained quiet at Naples during the year 63. He also paints in vigorous language at once his own strong tendency towards leniency, and the atrocity

of the plot. Cicero was evidently regarded by a large proportion of the city populace as a heavy-handed and hard-hearted tyrant. His speech throughout is as much a defence of himself against this opinion, as of Sulla against Torquatus.

33. *d.* §§ 21—35. Digression. It was the custom among the Greek rhetoricians to recommend the use of digressions between the *narratio* and the *confirmatio;* the cause of the inverted order here is plain from what has been said above. The digression we have is mainly occupied with two bits of abuse against Cicero which Torquatus had let fall; one declaring him a despot in his dealings with those accused of complicity with Catiline; the other sneering at his low and rustic extraction. Both these fashions of speech were familiar to Cicero at this period; he deals with them here at once lightly and forcibly, using several times the figure called *altercatio*, that is, an imaginary conversation between himself and his opponent. He repudiates the idea that his own conduct had ever displayed any trait of the tyrant, and reminds Torquatus that a member of the Manlian *gens* was once put to death on a charge of attempting to make himself king of Rome. Cicero then recalls the names of many great Romans who were born in country towns and merited as much as he the name of 'foreigner.' Was not Torquatus himself sprung on the mother's side from a country family belonging to Asculum? The inhabitants of the country towns were powerful, Cicero said, and would one day prove their resentment if Torquatus used such language about them. What wonder that the consul's position should be one of such danger, when noble youths like Torquatus used such reckless language? Nay, Torquatus had even tried to curry favour with the mob by seeming to condemn the punishment of Lentulus; this was an oratorical blunder from more points of view than one. Cicero concludes the digression by asserting in strong terms that he holds unflinchingly to all he had done and said about Catiline, and that the Roman people is with him. The whole of this παρέκβασις is, to our modern notions, entirely irrelevant; or rather the irrelevancies which modern courts allow are of a different kind. Cicero himself

offers as an apology the statement that Torquatus had attacked him just as much as Sulla.

34. *e.* §§ 36—68. The *refutatio.* We now have the charges brought by Torquatus rebutted in detail. These were (1) that the Allobroges had mentioned the name of Sulla (§§ 36—39); (2) that Cicero had falsified the record of their statements (§§ 40—50); (3) that C. Cornelius the younger, the son of a prominent conspirator, was prosecutor, and that this shewed the father's opinion of Sulla's guilt (§§ 51—54); (4) that Sulla purchased gladiators with a view to deeds of violence in Catiline's interest (§§ 54, 55); (5) that Sulla, being an intimate friend of Sittius, sent him to farther Spain to raise the province in Catiline's favour (§§ 56—59); (6) that Sulla had incited the people of Pompeii, whose patron he was, to join the insurrection of Catiline (§§ 60, 61); (7) that Sulla had made preparations to get carried by force the *rogatio Caecilia*, by which the punishment inflicted on himself and Autronius for bribery would have been mitigated (§§ 62—66); (8) that Cicero in a letter to Pompey had written words which implied that Sulla was guilty (§§ 67, 68). Most of these charges have been examined above. Cicero dwells, as usual, at the greatest length and with the greatest insistence on those which touched himself. The charge of falsification is triumphantly met, and Torquatus is warned of the danger he runs in provoking a personal contest with a man of Cicero's powers. The passage (§§ 46, 47) in which the orator conveys to the jury a high impression at once of his strength and his forbearance, is admirably executed.

35. *f.* §§ 69—77. The *confirmatio*; second part. This is concerned with the *probabilities* of the case, in view of Sulla's previous life and character, as compared with that of Autronius and of the other conspirators. Cicero mentions that this argument here comes in an unusual place (§ 69), and intimates that the departure from custom is a proof of the strength of Sulla's case. Arguments from probability in forensic speeches were divided by the rhetoricians into two classes, those derived from the life of the accused (*probabile ex vita*), and those derived from a consideration of the motives of his supposed criminal action (*probabile ex caussa*). The latter of these heads is here

left by Cicero untouched. Two passages may be quoted in illustration of his method of handling the former, viz. Cornif. 2, 5 *defensor primum demonstrabit vitam integram si poterit; id si non poterit, confugiet ad imprudentiam stultitiam adulescentiam vim persuasionem* (with these last clauses compare Cicero's treatment of the case for Caelius); Quintil. 7, 2, 27 *nam is ordo est: an facere voluerit, potuerit, fecerit; ideoque intuendum ante omnia, qualis sit de quo agitur.* Sulla must have been surprised to find himself described in the language Cicero uses. The skilful advocate draws something to the advantage of the accused, even from the worst portion of his client's career, by urging that he saved many lives during the proscriptions.

36. *g.* §§ 78—80. Commonplace about torture. The Romans used torture for legal purposes very rarely indeed, as compared with the Greeks, and set much less value than did the Greeks upon evidence wrung from slaves by pain. Torquatus had dared Sulla to allow his slaves to be questioned as to the guilt of their master, and had hinted that he would himself insist on their being examined. This gave Cicero an opportunity of dealing with what was, to the Greek orators, one of the commonest of commonplaces (κοινοὶ τόποι, *loci communes*), the worth of evidence extorted by the rack. He contends that the utterances of slaves under torture ought to have no value when set against a life so far removed from suspicion as that of Sulla. With this passage should be compared what Cicero says of torture in his speech for Milo §§ 57—60; also Cornif. ad Herenn. 2, 10 *dolori credi non oportere quod alius alio recentior sit in dolore, quod ingeniosior ad eminiscendum, quod denique saepe scire aut suspicari possit quid quaesitor velit audire, quod cum dixerit, intellegat sibi finem doloris futurum.* To the same effect Cicero Part. Or. § 50; while in §§ 117, 118 Cicero gives the arguments in favour of evidence by torture.

37. *i.* §§ 80—87. The *confirmatio;* third part. This is practically a repetition of the first section of the *confirmatio.* Cicero repeats in still stronger language his statement that no suspicion ever attached, within his knowledge, to Sulla. This, Cicero felt, was the firmest part of Sulla's case, and he wished

to leave the impression of it strong in the minds of the jury at the close of his speech.

38. *k.* §§ 88—93. The *peroratio.* All the ancient writers on rhetoric lay down that the peroration (ἐπίλογος) consists of two parts, a recapitulation of the arguments already advanced, and a strong appeal to the emotions of the jury. The first part might be omitted (as in the present case); the second never. Cicero was particularly famous for his power of working on the feelings of the *iudices;* hence, as already remarked, it was usual, where other advocates were employed with him, to allow him to speak last. The appeal for Sulla does not belie his fame. He draws a vivid picture of Sulla's present misery, of the vindictiveness of his opponent, of the utter wreck of his life which would follow on a conviction. He finishes by most artfully calling on the jury to resent the imputation cast on their character by the manner in which they were selected by the prosecutor; where he looked for cruelty let him find a merciful disposition.

39. The speech, while it cannot be classed with Cicero's highest efforts, is vigorous throughout, and admirable in style. The subject offered few opportunities for exalted or excited passages, such as we find in the Verrine orations, or in those where the orator attacks his personal enemies. The speech is rather to be classed with the *pro Plancio*, as offering a thoroughly artistic handling of a somewhat ordinary theme. The treatment of the Catilinarian conspiracy is interesting. The almost furious language of the Catilinarian orations was here felt to be out of place. Instead of being defiant, Cicero is rather apologetic, and there is little of the frenzied denunciation and not very much of the extravagant self-laudation which mark the speeches delivered after the return from exile.

M. TULLI CICERONIS

PRO P. CORNELIO SULLA

ORATIO AD IUDICES.

I. MAXIME vellem, iudices, ut P. Sulla et antea dignita- 1
tis suae splendorem obtinere et post calamitatem acceptam
modestiae fructum aliquem percipere potuisset: sed quoniam
ita tulit casus infestus, ut et amplissimo honore cum com-
muni ambitionis invidia, tum singulari Autroni odio ever-
teretur, et in his pristinae fortunae reliquiis miseris et adflic-
tis tamen haberet quosdam, quorum animos ne supplicio
quidem suo satiare posset, quamquam ex huius incommodis
magnam animo molestiam capio, tamen in ceteris malis
facile patior oblatum mihi tempus esse, in quo boni viri
lenitatem meam misericordiamque, notam quondam omni-
bus, nunc quasi intermissam, agnoscerent, improbi ac perditi
cives, redomiti atque revicti, praecipitante re publica vehemen-
tem me fuisse atque fortem, conservata mitem ac misericor-
dem faterentur. Et quoniam L. Torquatus, meus familiaris 2
ac necessarius, iudices, existimavit, si nostram in accusatione
sua necessitudinem familiaritatemque violasset, aliquid se de
auctoritate meae defensionis posse detrahere, cum huius
periculi propulsatione coniungam defensionem offici mei.
Quo quidem genere orationis non uterer, iudices, hoc tem-
pore, si mea solum interesset; multis enim locis mihi et

3—2

data facultas est et saepe dabitur de mea laude dicendi: sed ut ille vidit, quantum de mea auctoritate deripuisset, tantum se de huius praesidiis deminuturum, sic hoc ego sentio, si mei facti rationem vobis constantiamque huius offici ac defensionis probaro, causam quoque me P. Sullae probaturum.

3 Ac primum abs te illud, L. Torquate, quaero, cur me a ceteris clarissimis viris ac principibus civitatis in hoc officio atque in defensionis iure secernas. Quid enim est, quam ob rem abs te Q. Hortensi factum, clarissimi viri atque ornatissimi, non reprehendatur, reprehendatur meum? Nam si est initum a P. Sulla consilium inflammandae huius urbis, exstinguendi imperi, delendae civitatis, mihi maiorem hae res dolorem quam Q. Hortensio, mihi maius odium adferré debent, meum denique gravius esse iudicium, qui adiuvandus in his causis, qui oppugnandus, qui defendendus, qui deserendus esse videatur? 'Ita' inquit; 'tu enim investi-
4 gasti, tu patefecisti coniurationem.' II. Quod cum dicit, non attendit eum, qui patefecerit, hoc curasse, ut id omnes viderent, quod antea fuisset occultum. Quare ista coniuratio, si patefacta per me est, tam patet Hortensio quam mihi. Quem cum videas, hoc honore auctoritate virtute consilio praeditum, non dubitasse quin innocentem P. Sullam defenderet, quaero cur, qui aditus ad causam Hortensio patuerit, mihi interclusus esse debuerit: quaero illud etiam, si me, qui defendo, reprehendendum putas esse, quid tandem de his existimes summis viris et clarissimis civibus, quorum studio et dignitate celebrari hoc iudicium, ornari causam, defendi huius innocentiam vides. Non enim una ratio est defensionis, ea quae posita est in oratione: omnes, qui adsunt, qui laborant, qui salvom volunt, pro sua parte atque
5 auctoritate defendunt. An vero in quibus subselliis haec ornamenta ac lumina rei publicae viderem, in his me appa-

rere nollem, quorum ego illum in locum atque in hanc excel-
sissimam sedem dignitatis atque honoris multis meis et mag-
nis laboribus et periculis ascendissem? Atque ut intellegas,
Torquate, quem accuses, si te forte id offendit, quod ego,
qui in hoc genere quaestionis defenderim neminem, non desim
P. Sullae, recordare de ceteris, quos adesse huic vides: intel-
leges et de hoc et de aliis iudicium meum et horum par atque
unum fuisse. Quis nostrum adfuit Vargunteio? Nemo, ne 6
hic quidem Hortensius, praesertim qui illum solus antea de
ambitu defendisset; non enim iam se ullo officio cum illo
coniunctum arbitrabatur, cum ille tanto scelere commisso
omnium officiorum societatem diremisset. Quis nostrum
Servium Sullam, quis Publium, quis M. Laecam, quis C.
Cornelium defendendum putavit? Quis eis horum adfuit?
Nemo. Quid ita? Quia ceteris in caussis etiam nocentis
viri boni, si necessarii sunt, deserendos esse non putant: in
hoc crimine non solum levitatis est culpa, verum etiam
quaedam contagio sceleris, si defendas eum, quem obstric-
tum esse patriae parricidio suspicere. Quid? Autronio 7
nonne sodales, non collegae sui, non veteres amici, quo-
rum ille copia quondam abundarat, non hi omnes, qui sunt
in re publica principes, defuerunt? Immo etiam testimonio
plerique laeserunt. Statuerant illud tantum esse maleficium,
quod non modo non occultari per se, sed etiam aperiri
illustrarique deberet. III. Quam ob rem quid est quod
mirere, si cum isdem me in hac caussa vides adesse, cum
quibus in ceteris intellegis afuisse? Nisi vero me unum vis
ferum praeter ceteros, me asperum, me inhumanum existi-
mari, me singulari immanitate et crudelitate praeditum.
Hanc mihi tu si propter meas res gestas imponis in omni 8
mea vita, Torquate, personam, vehementer erras. Me natura
misericordem, patria severum, crudelem nec patria nec
natura esse voluit. Denique istam ipsam personam vehe-

mentem et acrem, quam mihi tum tempus et res publica imposuit, iam voluntas et natura ipsa detraxit; illa enim ad breve tempus severitatem postulavit, haec in omni vita mise-
9 ricordiam lenitatemque desiderat. Quare nihil est quod ex tanto comitatu virorum amplissimorum me unum abstrahas; simplex officium atque una bonorum est omnium caussa. Nihil erit quod admirere posthac, si in ea parte, in qua hos animum adverteris, me videbis; nulla est enim in re publica mea caussa propria: tempus agendi fuit mihi magis proprium quam ceteris, doloris vero et timoris et periculi fuit illa caussa communis; neque enim ego tunc princeps ad salutem esse potuissem, si esse alii comites noluissent. Quare necesse est, quod mihi consuli praecipuom fuit praeter alios, id iam privato cum ceteris esse commune. Neque ego hoc partiendae invidiae, sed communicandae laudis caussa loquor; oneris mei partem nemini impertio, gloriae bonis omnibus.
10 'In Autronium testimonium dixisti,' inquit 'Sullam defendis.' Hoc totum eius modi est, iudices, ut, si ego sum inconstans ac levis, nec testimonio fidem tribui convenerit nec defensioni auctoritatem, sin est in me ratio rei publicae, religio privati offici, studium retinendae voluntatis bonorum, nihil minus accusator debet dicere quam a me defendi Sullam, testimonio laesum esse Autronium. Videor enim iam non solum studium ad defendendas caussas, verum etiam opinionis aliquid et auctoritatis adferre: qua ego et moderate utar, iudices, et omnino non uterer, si ille me non coegisset.
11 IV. Duae coniurationes abs te, Torquate, constituuntur, una, quae Lepido et Volcatio consulibus, patre tuo consule designato, facta esse dicitur, altera, quae me consule: harum in utraque Sullam dicis fuisse. Patris tui, fortissimi viri atque optimi consulis, scis me consiliis non interfuisse; scis me, cum mihi summus tecum usus esset, tamen illorum expertem temporum et sermonum fuisse, credo, quod non-

① Cf. §§ 30, 34, 81 + Introd. § 10.
② "I was not yet familiar

dum penitus in re publica versabar, quod nondum ad propositum mihi finem honoris perveneram, quod me ambitio et forensis labor ab omni illa cogitatione abstrahebat. Quis 12
ergo intererat vestris consiliis? Omnes hi, quos vides huic adesse, et in primis Q. Hortensius: qui cum propter honorem ac dignitatem atque animum eximium in rem publicam, tum propter summam familiaritatem summumque amorem in patrem tuum cum communibus, tum praecipuis patris tui periculis commovebatur. Ergo istius coniurationis crimen defensum ab eo est, qui interfuit, qui cognovit, qui particeps et consili vestri fuit et timoris; cuius in hoc crimine propulsando cum esset copiosissima atque ornatissima oratio, tamen non minus inerat auctoritatis in ea quam facultatis. Illius igitur coniurationis, quae facta contra vos, delata ad vos, a vobis prolata esse dicitur, ego testis esse non potui: non modo animo nihil comperi, sed vix ad auris meas istius suspicionis fama pervenit. Qui vobis in consilio fuerunt, qui 13
vobiscum illa cognorunt, quibus ipsis periculum tum conflari putabatur, qui Autronio non adfuerunt, qui in illum testimonia gravia dixerunt, hunc defendunt, huic adsunt, in huius periculo declarant se non crimine coniurationis, ne adessent ceteris, sed hominum maleficio deterritos esse. Mei consulatus autem tempus et crimen maximae coniurationis a me defendetur. Atque haec inter nos partitio defensionis non est fortuito, iudices, nec temere facta, sed cum videremus eorum criminum nos patronos adhiberi, quorum testes esse possemus, uterque nostrum id sibi suscipiendum putavit, de quo aliquid scire ipse atque existimare potuisset. V. Et quoniam de 14
criminibus superioris coniurationis Hortensium diligenter audistis, de hac coniuratione, quae me consule facta est, hoc primum attendite.

Multa, cum essem consul, de summis rei publicae periculis audivi, multa quaesivi, multa cognovi: nullus umquam

de Sulla nuntius ad me, nullum indicium, nullae litterae pervenerunt, nulla suspicio. Multum haec vox fortasse valere deberet eius hominis, qui consul insidias rei publicae consilio investigasset, veritate aperuisset, magnitudine animi vindicasset, cum is se nihil audisse de P. Sulla, nihil suspicatum esse diceret. Sed ego nondum utor hac voce ad hunc defendendum: ad purgandum me potius utar, ut mirari Torquatus desinat, me, qui Autronio non adfuerim, Sullam
15 defendere. Quae enim fuit Autroni caussa? Quae Sullae est? Ille ambitus iudicium tollere ac disturbare primum conflato voluit gladiatorum ac fugitivorum tumultu, deinde, id quod vidimus omnes, lapidatione atque concursatione: Sulla, si sibi suus pudor ac dignitas non prodesset, nullum auxilium requisivit. Ille damnatus ita se gerebat non solum consiliis et sermonibus, verum etiam aspectu atque voltu, ut inimicus esse amplissimis ordinibus, infestus bonis omnibus, hostis patriae videretur: hic se ita fractum illa calamitate atque adflictum putavit, ut nihil sibi ex pristina dignitate
16 superesse arbitraretur, nisi quod modestia retinuisset. Hac vero in coniuratione quid tam coniunctum quam ille cum Catilina, cum Lentulo? Quae tanta societas ullis inter se rerum optimarum, quanta ei cum illis sceleris libidinis audaciae? Quod flagitium Lentulus non cum Autronio concepit? quod sine eodem illo Catilina facinus admisit? Cum interim Sulla cum eisdem illis non modo noctem solitudinemque non quaereret, sed ne mediocriter quidem sermone et con-
17 gressu coniungeretur. Illum Allobroges, maximarum rerum verissimi indices, illum multorum litterae ac nuntii coarguerunt: Sullam interea nemo insimulavit, nemo nominavit. Postremo, eiecto sive emisso iam ex urbe Catilina, ille arma misit, cornua tubas fascis signa; ille relictus intus, exspectatus foris, Lentuli poena compressus convertit se aliquando ad timorem, numquam ad sanitatem: hic

contra ita quievit, ut eo tempore omni Neapoli fuerit, ubi neque homines fuisse putantur huius adfines suspicionis, et locus est ipse non tam ad inflammandos calamitosorum animos quam ad consolandos accommodatus.

VI. Propter hanc igitur tantam dissimilitudinem hominum atque caussarum dissimilem me in utroque praebui. Veniebat enim ad me et saepe veniebat Autronius multis cum lacrimis supplex ut se defenderem, et se meum condiscipulum in pueritia, familiarem in adulescentia, collegam in quaestura commemorabat fuisse; multa mea in se, non nulla etiam sua in me proferebat officia. Quibus ego rebus, iudices, ita flectebar animo atque frangebar, ut iam ex memoria, quas mihi ipsi fecerat insidias, deponerem, ut iam immissum esse ab eo C. Cornelium, qui me in sedibus meis, in conspectu uxoris ac liberorum meorum trucidaret, obliviscerer. Quae si de uno me cogitasset, qua mollitia sum animi ac lenitate, numquam me hercule illius lacrimis ac precibus restitissem: sed cum mihi patriae, cum vestrorum periculorum, cum huius urbis, cum illorum delubrorum atque templorum, cum puerorum infantium, cum matronarum ac virginum veniebat in mentem, et cum illae infestae ac funestae faces universumque totius urbis incendium, cum tela, cum caedes, cum civium cruor, cum cinis patriae versari ante oculos atque animum memoria refricare coeperat, tum denique ei resistebam, neque solum illi hosti ac parricidae, sed his etiam propinquis illius Marcellis, patri et filio, quorum alter apud me parentis gravitatem, alter fili suavitatem obtinebat; neque me arbitrabar sine summo scelere posse, quod maleficium in aliis vindicassem, idem in illorum socio, cum scirem, defendere. Atque idem ego neque P. Sullam supplicem ferre, neque eosdem Marcellos pro huius periculis lacrimantis aspicere, neque huius M. Messallae, hominis necessarii, preces sustinere potui; neque enim est caussa

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Cicero's Softness of Heart.

adversata naturae, nec homo nec res misericordiae meae repugnavit. Nusquam nomen, nusquam vestigium fuerat; nullum crimen, nullum indicium, nulla suspicio. Suscepi caussam, Torquate, suscepi, et feci libenter ut me, quem boni constantem, ut spero, semper existimassent, eundem ne improbi quidem crudelem dicerent.

21 VII. Hic ait se ille, iudices, regnum meum ferre non posse. Quod tandem, Torquate, regnum? Consulatus, credo, mei, in quo ego imperavi nihil, et contra patribus conscriptis et bonis omnibus parui; quo in magistratu non institutum est a me videlicet regnum, sed repressum. An tum in tanto imperio tantaque potestate non dicis me fuisse regem, nunc privatum regnare dicis? Quo tandem nomine? 'Quod in quos testimonia dixisti' inquit, 'damnati sunt: quem defendis, sperat se absolutum iri.' Hic tibi ego de testimoniis meis hoc respondeo: si falsum dixerim, te in eosdem dixisse, sin verum, non esse hoc regnare, cum

22 verum iuratus dicas, probare. De huius spe tantum dico, nullas a me opes P. Sullam, nullam potentiam, nihil denique praeter fidem defensionis exspectare. 'Nisi tu' inquit 'caussam recepisses, numquam mihi restitisset, sed indicta caussa profugisset.' Si iam hoc tibi concedam, Q. Hortensium, tanta gravitate hominem, si hos talis viros non suo stare iudicio, sed meo; si hoc tibi dem, quod credi non potest, nisi ego huic adessem, hos adfuturos non fuisse, uter tandem rex est, isne cui innocentes homines non resistunt, an is qui calamitosos non deserit? At hic etiam, id quod tibi necesse minime fuit, facetus esse voluisti, cum Tarquinium et Numam et me tertium peregrinum regem esse dixisti. Mitto iam de rege quaerere, illud quaero, peregrinum cur me esse dixeris. Nam si ita sum, non tam est admirandum regem esse me, quoniam, ut tu ais, etiam peregrini reges Romae fuerunt, quam consulem Romae fuisse peregrinum.

'Hoc dico,' inquit 'te esse ex municipio.' Fateor, et addo 23
etiam ex eo municipio, unde iterum iam salus huic urbi
imperioque missa est. Sed scire ex te pervelim, quam ob
rem, qui ex municipiis veniant, peregrini tibi esse videantur.
Nemo istuc M. illi Catoni seni, cum plurimos haberet inimi-
cos, nemo Ti. Coruncanio, nemo M' Curio, nemo huic ipsi
nostro C. Mario, cum ei multi inviderent, obiecit umquam.
Equidem vehementer laetor eum esse me, in quem tu, cum
cuperes, nullam contumeliam iacere potueris, quae non ad
maximam partem civium conveniret. VIII. Sed tamen te
a me pro magnis causis nostrae necessitudinis monendum
esse etiam atque etiam puto. Non possunt omnes esse
patricii—si verum quaeris, ne curant quidem—nec se aequa-
les tui propter istam causam abs te anteiri putant. Ac si 24
tibi nos peregrini videmur, quorum iam nomen et honos
inveteravit et urbi huic et hominum famae ac sermonibus,
quam tibi illos competitores tuos peregrinos videri necesse
erit, qui iam ex tota Italia delecti tecum de honore ac de
omni dignitate contendent, quorum tu cave quemquam
peregrinum appelles, ne peregrinorum suffragiis obruare.
Qui si attulerint nervos et industriam, mihi crede, excutient
tibi istam verborum iactationem et te ex somno saepe excita-
bunt, nec patientur se abs te, nisi virtute vincentur, honore
superari. Ac si, iudices, ceteris patriciis me et vos peregri- 25
nos videri oporteret, a Torquato tamen hoc vitium sileretur;
est enim ipse a materno genere municipalis, honestissimi ac
nobilissimi generis, sed tamen Asculani. Aut igitur doceat
Picentis solos non esse peregrinos, aut gaudeat suo generi
me meum non anteponere. Quare neque tu me peregrinum
posthac dixeris, ne gravius refutere, neque regem, ne deri-
deare. Nisi forte regium tibi videtur ita vivere, ut non
modo homini nemini, sed ne cupiditati quidem ulli servias,
contemnere omnis libidines, non auri, non argenti, non

ceterarum rerum indigere; in senatu sentire libere, populi utilitati magis consulere quam voluntati, nemini cedere, multis obsistere. Si hoc putas esse regium, regem me esse confiteor: sin te potentia mea, si dominatio, si denique aliquod dictum adrogans aut superbum movet, quin tu id potius profers quam verbi invidiam contumeliamque maledicti?

26 IX. Ego, tantis a me beneficiis in re publica positis, si nullum aliud mihi praemium ab senatu populoque Romano nisi honestum otium postularem, quis non concederet? Sibi haberent honores, sibi imperia, sibi provincias, sibi triumphos, sibi alia praeclarae laudis insignia; mihi liceret eius urbis, quam conservassem, conspectu tranquillo animo et quieto frui. Quid? Si hoc non postulo, si ille labor meus pristinus, si sollicitudo, si officia, si operae, si vigiliae deserviunt amicis, praesto sunt omnibus; si neque amici in foro requirunt studium meum neque res publica in curia; si me non modo non rerum gestarum vacatio, sed neque honoris neque aetatis excusatio vindicat a labore; si voluntas mea, si industria, si domus, si animus, si aures patent omnibus; si mihi ne ad ea quidem, quae pro salute omnium gessi, recordanda et cogitanda quidquam relinquitur temporis, tamen hoc regnum appellabitur, cuius vicarius qui velit esse inveniri
27 nemo potest? Longe abest a me regni suspicio: si quaeris, qui sint Romae regnum occupare conati, ut ne replices annalium memoriam, ex domesticis imaginibus invenies. Res enim gestae, credo, meae me nimis extulerunt ac mihi nescio quos spiritus attulerunt. Quibus de rebus tam claris, tam immortalibus, iudices, hoc possum dicere, me, qui ex summis periculis eripuerim urbem hanc et vitam omnium civium, satis adeptum fore, si ex hoc tanto in omnis mortalis bene-
28 ficio nullum in me periculum redundarit. Etenim in qua civitate res tantas gesserim memini, in qua urbe verser intellego. Plenum forum est eorum hominum, quos ego a vestris

cervicibus depuli, iudices, a meis non removi; nisi vero paucos fuisse arbitramini, qui conari aut sperare possent se tantum imperium posse delere. Horum ego faces eripere de manibus et gladios extorquere potui, sicuti feci, voluntates vero consceleratas ac nefarias nec sanare potui nec tollere. Quare non sum nescius, quanto periculo vivam in tanta multitudine improborum, cum mihi uni cum omnibus improbis aeternum videam esse bellum susceptum. X. Quod si 29 illis meis praesidiis forte invides et si ea tibi regia videntur, quod omnes boni omnium generum atque ordinum suam salutem cum mea coniungunt, consolare te, quod omnium mentes improborum mihi uni maxime sunt infensae et adversae, qui me non solum idcirco oderunt, quod eorum conatus impios et furorem consceleratum repressi, sed eo etiam magis, quod nihil iam se simile me vivo conari posse arbitrantur. At vero quid ego mirer, si quid ab improbis de me 30 improbe dicitur, cum L. Torquatus, primum ipse his fundamentis adulescentiae iactis, ea spe proposita amplissimae dignitatis, deinde L. Torquati, fortissimi consulis, constantissimi senatoris, semper optimi civis filius, interdum efferatur immoderatione verborum? Qui cum suppressa voce de scelere P. Lentuli, de audacia coniuratorum omnium dixisset, tantum modo ut vos, qui ea probatis, exaudire possetis, de supplicio, de laqueo, de carcere magna et queribunda voce dicebat. In quo primum erat illud absurdum, quod, cum 31 ea, quae leviter dixerat, vobis probare volebat, eos qui circum iudicium stabant audire nolebat, non intellegebat ea, quae clare diceret, ita illos audituros, quibus se venditabat, ut vos quoque audiretis, qui id non probabatis: deinde alterum iam oratoris est vitium non videre, quid quaeque causa postulet. Nihil est enim tam alienum ab eo, qui alterum coniurationis accuset, quam videri coniuratorum poenam mortemque lugere. Quod cum is tribunus plebis facit, qui unus videtur ex illis ad

lugendos coniuratos relictus, nemini mirum est; difficile est enim tacere, cum doleas: te, si quid eius modi facis, non modo talem adulescentem, sed in ea caussa, in qua te vindi-
32 cem coniurationis velis esse, vehementer admiror. Sed reprehendo tamen illud maxime, quod isto ingenio et prudentia praeditus caussam rei publicae non tenes, qui arbitrere plebi Romanae res eas non probari, quas me consule omnes boni pro salute communi gesserunt.

XI. Ecquem tu horum, qui adsunt, quibus te contra ipsorum voluntatem venditabas, aut tam sceleratum statuis fuisse, ut haec omnia perire voluerit, aut tam miserum, ut et se perire cuperet et nihil haberet, quod salvom esse vellet? An vero clarissimum virum generis vestri ac nominis nemo reprehendit, qui filium suum vita privavit, ut in ceteros firmaret imperium: tu rem publicam reprehendis, quae do-
33 mesticos hostis, ne ab eis ipsa necaretur, necavit? Itaque attende, Torquate, quam ego defugiam auctoritatem consulatus mei. Maxima voce, ut omnes exaudire possint, dico semperque dicam; adeste omnes animis qui adstatis, quorum ego frequentia magno opere laetor; erigite mentis auris-que vestras et me de invidiosis rebus, ut ille putat, dicentem attendite. Ego consul, cum exercitus perditorum civium clandestino scelere conflatus crudelissimum et luctuosissimum exitium patriae comparasset, cum ad occasum interitumque rei publicae Catilina in castris, in his autem templis atque tectis dux Lentulus esset constitutus, meis consiliis, meis laboribus, mei capitis periculis, sine tumultu, sine dilectu, sine armis, sine exercitu, quinque hominibus comprehensis atque confessis incensione urbem, internicione civis, vastitate Italiam, interitu rem publicam liberavi: ego vitam omnium civium, statum orbis terrae, urbem hanc denique, sedem omnium nostrum, arcem regum ac nationum exterarum, lumen gentium, domicilium imperi quinque

hominum amentium ac perditorum poena redemi. An me 34
existimasti haec iniuratum in iudicio non esse dicturum,
quae iuratus in maxima contione dixissem? XII. Atque
etiam illud addam, ne quis forte incipiat improbus subito te
amare, Torquate, et aliquid sperare de te, atque, ut idem
omnes exaudiant, clarissima voce dicam: harum omnium
rerum, quas ego in consulatu pro salute rei publicae suscepi
atque gessi, L. ille Torquatus, cum esset meus contubernalis
in consulatu atque etiam in praetura fuisset, auctor adiutor
particeps exstitit, cum princeps, cum auctor, cum signifer
esset iuventutis; parens eius, homo amantissimus patriae,
maximi animi, summi consili, singularis constantiae, cum
esset aeger, tamen omnibus rebus illis interfuit; nusquam
est a me digressus; studio consilio auctoritate unus adiuvit
plurimum, cum infirmitatem corporis animi virtute superaret. 35
Videsne, ut eripiam te ex improborum subita gratia et recon-
ciliem bonis omnibus? Qui te et diligunt et retinent retine-
buntque semper, nec, si forte a me desciveris, idcirco te a se
et a re publica et a tua dignitate deficere patientur. Sed
iam redeo ad caussam atque hoc vos, iudices, testor; mihi de
memet ipso tam multa dicendi necessitas quaedam imposita
est ab illo. Nam si Torquatus Sullam solum accusasset, ego
quoque hoc tempore nihil aliud agerem nisi eum, qui accu-
satus esset, defenderem, sed cum ille tota illa oratione in
me esset invectus, et cum, ut initio dixi, defensionem meam
spoliare auctoritate voluisset, etiam si dolor me meus respon-
dere non cogeret, tamen ipsa caussa hanc a me orationem
flagitavisset.

XIII. Ab Allobrogibus nominatum Sullam esse dicis. 36
Quis negat? Sed lege indicium et vide, quem ad modum
nominatus sit. L. Cassium dixerunt commemorasse, cum
ceteris Autronium secum facere. Quaero, num Sullam
dixerit Cassius? Nusquam: sese aiunt quaesisse de Cassio

quid Sulla sentiret. Videte diligentiam Gallorum: qui vitam hominum naturamque non nossent ac tantum audissent eos pari calamitate esse, quaesiverunt essentne eadem voluntate. Quid tum Cassius? Si respondisset idem sentire et secum facere Sullam, tamen mihi non videretur in hunc id crimino- 5
sum esse debere. Quid ita? Quia qui barbaros homines ad bellum impelleret, non debebat minuere illorum suspicio-
nem et purgare eos, de quibus illi aliquid suspicari vide-
37 rentur. Non respondit tamen una facere Sullam. Etenim esset absurdum, cum ceteros sua sponte nominasset, mentio- 10
nem facere Sullae nullam nisi admonitum et interrogatum, nisi forte veri simile est P. Sullae nomen in memoria Cassio non fuisse. Si nobilitas hominis, si adflicta fortuna, si reliquiae pristinae dignitatis non tam illustres fuissent, tamen Autroni commemoratio memoriam Sullae rettulisset; etiam, 15
ut arbitror, cum auctoritates principum coniurationis ad incitandos animos Allobrogum colligeret Cassius, et cum sciret exteras nationes maxime nobilitate moveri, non prius Autro-
38 nium quam Sullam nominavisset. Iam vero illud probari minime potest, Gallos Autronio nominato putasse propter 20
calamitatis similitudinem sibi aliquid de Sulla esse quaerendum, Cassio, si hic esset in eodem scelere, ne cum appellasset quidem Autronium, huius in mentem venire potuisse. Sed tamen quid respondit de Sulla Cassius? Se nescire certum. 'Non purgat' inquit. Dixi antea: ne si argueret 25
quidem tum denique, cum esset interrogatus, id mihi crimi-
39 nosum videretur. Sed ego in quaestionibus et iudiciis non hoc quaerendum arbitror, num purgetur aliquis, sed num arguatur. Etenim cum se negat scire Cassius, utrum sublevat Sullam, an satis probat se nescire? 'Sublevat apud 30
Gallos.' Quid ita? Ne indicent? Quid? Si periculum esse putasset, ne illi umquam indicarent, de se ipse confessus esset? 'Nesciit videlicet.' Credo celatum esse Cassium

de Sulla uno, nam de ceteris certe sciebat; etenim domi eius pleraque conflata esse constabat. Qui negare noluit esse in eo numero Sullam, quo plus spei Gallis daret, dicere autem falsum non ausus est, nescire dixit. Atqui hoc perspicuom est, cum is, qui de omnibus scierit, de Sulla se scire negarit, eandem vim esse negationis huius, quam si extra coniurationem hunc esse se scire dixisset. Nam cuius scientiam de omnibus constat fuisse, eius ignoratio de aliquo purgatio debet videri. Sed iam non quaero, purgetne Cassius Sullam: illud mihi tantum satis est, contra Sullam nihil esse in indicio.

XIV. Exclusus hac criminatione Torquatus rursus in me inruit, me accusat: ait me aliter ac dictum sit in tabulas publicas rettulisse. O di immortales! vobis enim tribuo, quae vestra sunt; nec vero possum tantum meo ingenio dare, ut tot res, tantas, tam varias, tam repentinas in illa turbulentissima tempestate rei publicae mea sponte dispexerim; vos profecto animum meum tum conservandae patriae cupiditate incendistis; vos me ab omnibus ceteris cogitationibus ad unam salutem rei publicae convertistis; vos denique in tantis tenebris erroris et inscientiae clarissimum lumen menti meae praetulistis. Vidi ego hoc, iudices, nisi (recenti memoria senatus) auctoritatem huius indici monumentis publicis testatus essem, fore ut aliquando non Torquatus neque Torquati quispiam similis, nam id me multum fefellit, sed ut aliquis patrimoni naufragus, inimicus oti, bonorum hostis aliter indicata haec esse diceret, quo facilius vento aliquo in optimum quemque excitato posset in malis rei publicae portum aliquem suorum malorum invenire. Itaque introductis in senatum indicibus constitui senatores, qui omnia indicum dicta interrogata responsa perscriberent. At quos viros! Non solum summa virtute et fide, cuius generis erat in senatu facultas maxima, sed etiam quos sciebam

memoria, scientia, celeritate scribendi facillime quae dicerentur persequi posse: C. Cosconium, qui tum erat praetor, M. Messallam, qui tum praeturam petebat, P. Nigidium, Appium Claudium. Credo esse neminem, qui his hominibus ad vere referendum aut fidem putet aut ingenium defuisse. XV. Quid? Deinde quid feci? Cum scirem ita esse indicium relatum in tabulas publicas, ut illae tabulae privata tamen custodia more maiorum continerentur, non occultavi, non continui domi, sed statim describi ab omnibus librariis, dividi passim et pervolgari atque edi populo Romano imperavi. Divisi tota Italia, dimisi in omnis provincias, eius indici, ex quo oblata salus esset omnibus, exper-
43 tem esse neminem volui. Itaque dico locum in orbe terrarum esse nullum, quo in loco populi Romani nomen sit, quin eodem perscriptum hoc indicium pervenerit. In quo ego tam subito et exiguo et turbido tempore multa divinitus, ita ut dixi, non mea sponte provìdi: primum, ne quis posset tantum aut de rei publicae aut de alicuius periculo meminisse, quantum vellet; deinde, ne cui liceret umquam reprehendere illud indicium aut temere creditum criminari; postremo, ne quid iam a me, ne quid ex meis commentariis quaereretur, ne aut oblivio mea aut memoria nimia videretur, ne denique aut neglegentia turpis aut diligentia crudelis puta-
44 retur. Sed tamen abs te, Torquate, quaero, cum indicatus tuus esset inimicus et esset eius rei frequens senatus et recens memoria testis, et tibi, meo familiari et contubernali, prius etiam edituri indicium fuerint scribae mei, si voluisses, quam in codicem rettulissent: cum videres aliter referri, cur tacuisti, passus es, non mecum aut cum familiari meo questus es, aut, quoniam tam facile inveheris in amicos, iracundius aut vehementius expostulasti? Tu, cum tua vox numquam sit audita, cum indicio lecto, descripto, divolgato quieveris tacueris, repente tantam rem ementiare et in eum

locum te deducas, ut ante, quam me commutati indici coargueris, te summae neglegentiae tuo iudicio convictum esse fateare?

XVI. Mihi cuiusquam salus tanti fuisset, ut meam neg- 45
legerem? Per mē ego veritatem patefactam contaminarem aliquo mendacio? Quemquam denique ego iuvarem, a quo tam crudelis insidias rei publicae factas, et me potissimum consule, putarem? Quod si iam essem oblitus severitatis et constantiae meae, tamenne tam amens eram, ut, cum litterae posteritatis caussa repertae sint, quae subsidio oblivioni esse possent, ego recentem putarem memoriam cuncti senatus commentario meo posse superari? Fero ego te, Torquate, iam 46
dudum, fero, et non numquam animum incitatum ad ulciscendam orationem tuam revoco ipse et reflecto; permitto aliquid iracundiae tuae, do adulescentiae, cedo amicitiae, tribuo parenti; sed nisi tibi aliquem modum tute constitueris, coges me oblitum nostrae amicitiae habere rationem meae dignitatis. Nemo umquam me tenuissima suspicione perstrinxit, quem non perverterim ac perfregerim. Sed mihi hoc credas velim: non eis libentissime soleo respondere, quos mihi videor facillime posse superare. Tu, quoniam 47
minime ignoras consuetudinem dicendi meam, noli hac nova lenitate abuti mea, noli aculeos orationis meae, quia reconditi sunt, excussos arbitrari, noli id omnino putare a me esse amissum, si quid est tibi remissum atque concessum. Cum illae valent apud me excusationes iniuriae tuae, iratus animus tuus, aetas, amicitia nostra, tum nondum statuo te virium satis habere, ut ego tecum luctari et congredi debeam. Quod si esses usu atque aetate robustior, essem idem qui soleo, cum sum lacessitus: nunc tecum sic agam, tulisse ut potius iniuriam quam rettulisse gratiam videar. XVII. Neque vero quid mihi irascare intellegere possum. Si, quod 48
eum defendo, quem tu accusas, cur tibi ego non suscenseo,

quod accusas eum, quem ego defendo? 'Inimicum ego' inquis 'accuso meum.' Et amicum ego defendo meum. 'Non debes tu quemquam in coniurationis quaestione defendere.' Immo nemo magis eum, de quo nihil umquam est suspicatus, quam is, qui de aliis multa cogitavit. 'Cur dixisti testimonium in alios?' Quia coactus sum. 'Cur damnati sunt?' Quia creditum est. 'Regnum est dicere in quem velis et defendere quem velis.' Immo servitus est non dicere in quem velis et non defendere quem velis. Ac si considerare coeperis, utrum magis mihi hoc necesse fuerit facere an istud tibi, intelleges honestius te inimicitiarum
49 modum statuere potuisse quam me humanitatis. At vero, cum honos agebatur familiae vestrae amplissimus, hoc est consulatus parentis tui, sapientissimus vir familiarissimis suis non suscensuit [pater tuus], cum Sullam et defenderent et laudarent: intellegebat hanc nobis a maioribus esse traditam disciplinam, ut nullius amicitia ad propulsanda pericula impediremur. Erat huic iudicio longe dissimilis illa contentio; tum, adflicto P. Sulla, consulatus vobis parieba-tur, sicuti partus est; honoris erat certamen; ereptum repetere vos clamitabatis, ut victi in campo in foro vinceretis; tum qui contra vos pro huius salute pugnabant, amicissimi vestri, [quibus non irascebamini] consulatum vobis eripiebant, honori vestro repugnabant, et tamen id inviolata vestra amicitia, integro officio, vetere exemplo atque instituto
50 optimi cuiusque faciebant. XVIII. Ego vero quibus ornamentis adversor tuis, aut cui dignitati vestrae repugno? Quid est quod iam ab hoc expetas? Honos ad patrem, insignia honoris ad te delata sunt. Tu ornatus exuviis huius venis ad eum lacerandum, quem interemisti: ego iacentem et spoliatum defendo et protego. Atque hic tu et reprehendis me, quia defendam, et irasceris. Ego autem non modo tibi non irascor, sed ne reprehendo quidem factum tuum;

te enim existimo tibi statuisse, quid faciendum putares, et satis idoneum offici tui iudicem potuisse esse.

At accusat C. Corneli filius, et id aeque valere debet, ac 51
si pater indicaret. O patrem Cornelium sapientem, qui,
quod praemi solet esse in indicio, reliquerit, quod turpitudinis in confessione, id per accusationem fili susceperit! Sed quid est tandem, quod indicat per istum puerum Cornelius? Si vetera, mihi ignota, cum Hortensio communicata, respondit Hortensius; sin, ut ais, illum conatum Autroni et Catilinae, cum in campo consularibus comitiis, quae a me habita sunt, caedem facere voluerunt, Autronium tum in campo vidimus—sed quid dixi vidisse nos? Ego vidi; vos enim tum, iudices, nihil laborabatis neque suspicabamini, ego tectus praesidio firmo amicorum Catilinae tum et Autroni copias et conatum repressi. Num quis est igitur, qui 52
tum dicat in campum adspirasse Sullam? Atqui si tum se cum Catilina societate sceleris coniunxerat, cur ab eo discedebat? Cur cum Autronio non erat? Cur in pari caussa non paria signa criminis reperiuntur? Sed quoniam Cornelius ipse etiam nunc de indicando dubitat, et ut dicitis, informat ad hoc adumbratum indicium filium, quid tandem de illa nocte dicit, cum inter falcarios ad M. Laecam, nocte ea, quae consecuta est posterum diem nonarum Novembrium, me consule Catilinae denuntiatione convenit? Quae nox omnium temporum coniurationis acerrima fuit atque acerbissima. Tum Catilinae dies exeundi, tum ceteris manendi condicio, tum discriptio totam per urbem caedis atque incendiorum constituta est; tum tuus pater, Corneli, id quod tandem aliquando confitetur, illam sibi officiosam provinciam depoposcit, ut, cum prima luce consulem salutatum veniret, intromissus et meo more et iure amicitiae me in meo lectulo trucidaret. XIX. Hoc tempore, cum arderet acerrime con- 53
iuratio, cum Catilina egrederetur ad exercitum, Lentulus in

urbe relinqueretur, Cassius incendiis, Cethegus caedi praeponeretur, Autronio ut occuparet Etruriam praescriberetur, cum omnia ordinarentur instruerentur pararentur, ubi fuit Sulla, Corneli? Num Romae? Immo longe afuit. Num in eis regionibus, quo se Catilina inferebat? Multo etiam longius. Num in agro Camerti, Piceno, Gallico, quas in oras maxime quasi morbus quidam illius furoris pervaserat? Nihil vero minus. Fuit enim, ut iam ante dixi, Neapoli; fuit in ea
54 parte Italiae, quae maxime ista suspicione caruit. Quid ergo indicat aut quid adfert aut ipse Cornelius aut vos, qui haec ab illo mandata defertis? 'Gladiatores emptos esse Fausti simulatione ad caedem ac tumultum.' Ita prorsus, interpositi sunt gladiatores, quos testamento patris deberi videmus. 'Arrepta est familia, quae si esset praetermissa, posset aliă familiă Fausti munus praebere.' Utinam quidem haec ipsa non modo iniquorum invidiae, sed aequorum exspectationi satis facere posset! 'Properatum vehementer est, cum longe tempus muneris abesset.' Quasi vero tempus dandi muneris non valde adpropinquaret. 'Nec opinante Fausto,
55 cum is neque sciret neque vellet, familia est comparata.' At litterae sunt Fausti, per quas ille precibus a P. Sulla petit, ut emat gladiatores et ut hos ipsos emat; neque solum ad Sullam missae, sed ad L. Caesarem, Q. Pompeium, C. Memmium, quorum de sententia tota res gesta est. 'At praefuit familiae.' Iam si in paranda familia nulla suspicio est, quis praefuerit nihil ad rem pertinet: sed tamen in munere servili obtulit se ad ferramenta prospicienda, praefuit vero numquam, eaque res omni tempore per Bellum, Fausti libertum, administrata est.

56 XX. At enim Sittius est ab hoc in ulteriorem Hispaniam missus, ut eam provinciam perturbaret. Primum Sittius, iudices, L. Iulio C. Figulo consulibus profectus est, aliquanto ante furorem Catilinae et suspicionem huius coniurationis;

deinde est profectus non tum primum, sed cum in isdem locis aliquanto ante eadem de caussa aliquot annos fuisset; ac profectus est non modo ob caussam, sed etiam ob necessariam caussam, magna ratione cum Mauritaniae rege contracta. Tum autem, illo profecto, Sulla procurante eius rem et gerente, plurimis et pulcherrimis P. Sitti praediis venditis aes alienum eiusdem est dissolutum, ut, quae caussa ceteros ad facinus impulit, cupiditas retinendae possessionis, ea Sittio non fuerit, praediis deminutis. Iam vero illud quam 57 incredibile, quam absurdum, qui Romae caedem facere, qui hanc urbem inflammare vellet, eum familiarissimum suum dimittere ab se et amandare in ultimas terras! Utrum, quo facilius Romae ea, quae conabatur, efficeret, si in Hispania turbatum esset? At haec (ipsa per se) sine ulla coniunctione agebantur. An in tantis rebus, tam novis consiliis, tam periculosis, tam turbulentis, hominem amantissimum sui, familiarissimum, coniunctissimum officiis consuetudine usu, dimittendum a se arbitrabatur? Veri simile non est ut, quem in secundis rebus, quem in otio semper secum habuisset, hunc in adversis et in eo tumultu, quem ipse comparabat, ab se dimitteret. Ipse autem Sittius, non enim mihi 58 deserenda est caussa amici veteris atque hospitis, is homo est aut ea familia ac disciplina, ut hoc credi possit, eum bellum populo Romano facere voluisse; ut, cuius pater, cum ceteri deficerent finitimi ac vicini, singulari exstiterit in rem publicam nostram officio et fide, is sibi nefarium bellum contra patriam suscipiendum putaret? Cuius aes alienum videmus, iudices, non libidine, sed negoti gerendi studio esse contractum; qui ita Romae debuit, ut in provinciis et in regnis ei maximae pecuniae deberentur, quas cum peteret, non commisit ut sui procuratores quidquam oneris absente se sustinerent: venire omnis suas possessiones et patrimonio se ornatissimo spoliari maluit quam ullam moram

59 cuiquam fieri creditorum suorum. A quo quidem genere, iudices, ego numquam timui, cum in illa rei publicae tempestate versarer. Illud erat hominum genus horribile et pertimescendum, qui tanto amore suas possessiones amplexi tenebant, ut ab eis membra citius divelli ac distrahi posse diceres: Sittius numquam sibi cognationem cum praediis esse existimavit suis. Itaque se non modo ex suspicione tanti sceleris, verum etiam ex omni hominum sermone non armis, sed patrimonio suo vindicavit.

60 XXI. Iam vero quod obiecit Pompeianos esse a Sulla impulsos, ut ad istam coniurationem atque ad hoc nefarium facinus accederent, id cuius modi sit intellegere non possum. An tibi Pompeiani coniurasse videntur? Quis hoc dixit umquam aut quae fuit istius rei vel minima suspicio? 'Diiunxit' inquit 'eos a colonis, ut hoc discidio ac dissensione facta oppidum in sua potestate posset per Pompeianos habere.' Primum omnis Pompeianorum colonorumque dissensio delata ad patronos est, cum iam inveterasset ac multos annos esset agitata; deinde ita a patronis res cognita est, ut nulla in re a ceterorum sententiis Sulla dissenserit; postremo coloni ipsi sic intellegunt, non Pompeianos a Sulla

61 magis quam sese esse defensos. Atque hoc, iudices, ex hac frequentia colonorum, honestissimorum hominum, intellegere potestis, qui adsunt laborant, hunc patronum defensorem custodem illius coloniae, si in omni fortuna atque omni honore incolumem habere non potuerunt, in hoc tamen casu, quo adflictus iacet, per vos iuvari conservarique cupiunt. Adsunt pari studio Pompeiani, qui ab istis etiam in crimen vocantur, qui ita de ambulatione ac de suffragiis suis cum colonis dissenserunt, ut idem de communi salute sentirent.

62 Ac ne haec quidem P. Sullae mihi videtur silentio praetereunda esse virtus, quod, cum ab hoc illa colonia deducta sit, et cum commoda colonorum a fortunis Pompeianorum

rei publicae fortuna diiunxerit, ita carus utrisque est atque iucundus, ut non alteros demovisse, sed utrosque constituisse videatur.

XXII. At enim et gladiatores et omnis ista vis rogationis Caeciliae caussa comparabatur. Atque hoc loco in L. Caecilium, pudentissimum atque ornatissimum virum, vehementer invectus est, cuius ego de virtute et constantia, iudices, tantum dico, talem hunc in ista rogatione, quam promulgarat non de tollenda, sed de levanda calamitate fratris sui, fuisse, ut consulere voluerit fratri, cum re publica pugnare noluerit, promulgarit impulsus amore fraterno, destiterit fratris auctoritate deductus. Atque in ea re per L. 63 Caecilium Sulla accusatur, in qua re est uterque laudandus, primum Caecilius, qui si id promulgavit, in quo res iudicatas videatur voluisse rescindere, ut restitueretur Sulla, recte reprehendis; status enim rei publicae maxime iudicatis rebus continetur, neque ego tantum fraterno amori dandum arbitror, ut quisquam, dum saluti suorum consulat, communem relinquat. At nihil de iudicio ferebat, sed poenam ambitus eam referebat, quae fuerat nuper, superioribus legibus constituta; itaque hac rogatione non iudicum sententia, sed legis vitium corrigebatur. Nemo iudicium reprehendit, cum de poena queritur, sed legem; damnatio est enim iudicum, quae manebat, poena legis, quae levabatur. Noli igitur 64 animos eorum ordinum, qui praesunt iudiciis summa cum gravitate et dignitate, alienare a causa. Nemo labefactare iudicium est conatus, nihil est eius modi promulgatum: semper Caecilius in calamitate fratris sui iudicum potestatem perpetuandam, legis acerbitatem mitigandam putavit.

XXIII. Sed quid ego de hoc plura disputem? Dicerem fortasse, et facile et libenter dicerem, si paulo etiam longius quam finis cotidiani offici postulat L. Caecilium pietas et fraternus amor propulisset; implorarem sensus vestros, unius

cuiusque indulgentiam in suos testarer, peterem veniam errato L. Caecili ex intimis vestris cogitationibus atque ex
65 humanitate communi. Lex dies fuit proposita paucos; ferri coepta numquam, deposita est in senatu. Kalendis Ianuariis cum in Capitolium nos senatum convocassemus, nihil est actum prius, et id mandatu Sullae Q. Metellus praetor se loqui dixit, Sullam illam rogationem de se nolle ferri. Ex illo tempore L. Caecilius egit de re publica multa: agrariae legi, quae tota a me reprehensa et abiecta est, intercessorem se fore professus est, improbis largitionibus restitit, senatus auctoritatem numquam impedivit, ita se gessit in tribunatu, ut onere deposito domestici offici nihil postea nisi
66 de rei publicae commodis cogitarit. Atque in ipsa rogatione ne per vim quid ageretur, quis tum nostrum Sullam aut Caecilium verebatur? Nonne omnis ille terror, omnis seditionis timor atque opinio ex Autroni improbitate pendebat? Eius voces, eius minae ferebantur; eius aspectus, concursatio, stipatio, greges hominum perditorum, metum nobis seditionesque adferebant. Itaque P. Sulla hoc importunissimo cum honoris, tum etiam calamitatis socio atque comite et secundas fortunas amittere coactus est et in adversis sine ullo remedio atque adlevamento permanere.

67 XXIV. Hic tu epistulam meam saepe recitas, quam ego ad Cn. Pompeium de meis rebus gestis et de summa re publica misi, et ex ea crimen aliquod in P. Sullam quaeris; et, si furorem incredibilem biennio ante conceptum erupisse in meo consulatu scripsi, me hoc demonstrasse dicis, Sullam in illa fuisse superiore coniuratione. Scilicet ego is sum qui existimem Cn. Pisonem et Catilinam et Vargunteium et Autronium nihil scelerate, nihil audacter ipsos per sese sine
68 P. Sulla facere potuisse. De quo etiam si quis dubitasset antea num id, quod tu arguis, cogitasset, interfecto patre tuo consulem descendere Kalendis Ianuariis cum lictoribus, sus-

tulisti hanc suspicionem, cum dixisti hunc, ut Catilinam consulem efficeret, contra patrem tuum operas et manum comparasse. Quod si tibi ego confitear, tu mihi concedas necesse est, hunc, cum Catilinae suffragaretur, nihil de suo consulatu, quem iudicio amiserat, per vim recuperando cogitavisse.

Neque tamen istorum facinorum tantorum, tam atrocium crimen, iudices, P. Sullae persona suscipit. Iam 69
enim faciam, criminibus omnibus fere dissolutis, contra atque in ceteris causis fieri solet, ut nunc denique de vita hominis ac de moribus dicam. Etenim de principio studuit animus occurrere magnitudini criminis, satis facere exspectationi hominum, de me aliquid ipso, quia accusatus eram, dicere: nunc iam revocandi estis eo, quo vos ipsa caussa, etiam tacente me, cogit animos mentisque convertere.

XXV. Omnibus in rebus, iudices, quae graviores maioresque sunt, quid quisque voluerit cogitarit admiserit, non ex crimine, sed ex moribus eius qui arguitur est ponderandum. Neque enim potest quisquam nostrum subito fingi, neque cuiusquam repente vita mutari aut natura converti. Circum- 70
spicite paulisper mentibus vestris, ut alia omittamus, hosce ipsos homines, qui huic adfines sceleri fuerunt. Catilina contra rem publicam coniuravit. Cuius aures umquam hoc respuerunt, conatum esse audacter hominem a pueritia non solum intemperantia et scelere, sed etiam consuetudine et studio in omni flagitio stupro caede versatum? Quis eum contra patriam pugnantem perisse miratur, quem semper omnes ad civile latrocinium natum putaverunt? Quis Lentuli societates cum indicibus, quis insaniam libidinum, quis perversam atque impiam religionem recordatur, qui illum aut nefarie cogitasse aut stulte sperasse miretur? Quis de C. Cethego atque eius in Hispaniam profectione ac de volnere Q. Metelli Pii cogitat, cui non ad illius poenam carcer aedificatus esse videatur? Omitto ceteros, ne sit infinitum: tan- 71

tum a vobis peto, ut taciti de omnibus, quos coniurasse cognitum est, cogitetis: intellegetis, unum quemque eorum prius ab sua vita quam a nostra suspicione esse damnatum. Ipsum illum Autronium, quoniam eius nomen finitimum maxime est huius periculo et crimini, non sua vita ac natura convicit? 5

Semper audax petulans libidinosus, quem in stuprorum defensionibus non solum verbis uti improbissimis solitum esse scimus, verum etiam pugnis et calcibus, quem exturbare homines ex possessionibus, caedem facere vicinorum, spoliare fana sociorum, vi et armis disturbare iudicia, in bonis 10 (1) rebus omnis contemnere, in malis pugnare contra bonos, non rei publicae cedere, non fortunae ipsi succumbere. Huius si caussa non manifestissimis rebus teneretur, tamen eum mores ipsius ac vita convinceret.

72 XXVI. Agedum, conferte nunc cum illius vitam P. Sullae, 15 vobis populoque Romano notissimam, iudices, et eam ante oculos vestros proponite. Ecquod est huius factum aut commissum, non dicam audacius, sed quod cuiquam paulo minus consideratum videretur? Factum quaero? Verbum ecquod umquam ex ore huius excidit, in quo quisquam 20 posset offendi? At vero in illa gravi L. Sullae turbulentaque victoria quis P. Sulla mitior, [quis misericordior inventus est]? Quam multorum hic vitam est a L. Sulla deprecatus! Quam multi sunt summi homines et ornatissimi et nostri et equestris ordinis, quorum pro salute se hic Sullae obligavit! Quos ego 25 nominarem—neque enim ipsi nolunt et huic animo gratissimo adsunt—sed quia maius est beneficium, quam posse debet civis civi dare, ideo a vobis peto ut, quod potuit, tempori

73 tribuatis, quod fecit, ipsi. Quid reliquam constantiam vitae commemorem, dignitatem, liberalitatem moderationem in 30 privatis rebus, splendorem in publicis? Quae ita deformata sunt a fortuna, ut tamen a natura incohata compareant. Quae domus? Quae celebratio cotidiana, quae familiarium dig-

nitas, quae studia amicorum, quae ex quoque ordine multitudo! Haec diu multumque et multo labore quaesita una eripuit hora. Accepit P. Sulla, iudices, volnus vehemens et mortiferum, verum tamen eius modi, quod videretur huius vita ac natura accipere potuisse. Honestatis enim et dignitatis habuisse nimis magnam iudicatus est cupiditatem, quam si nemo alius habuit in consulatu petendo, cupidior iudicatus est hic fuisse quam ceteri; sin etiam in aliis non nullis fuit iste consulatus amor, fortuna in hoc fuit fortasse gravior quam in ceteris. Postea vero quis P. Sullam nisi maeren- 74
tem, demissum adflictumque vidit? Quis umquam est suspicatus, hunc magis odio quam pudore hominum aspectum lucemque vitare? Qui cum multa haberet invitamenta urbis et fori propter summa studia amicorum, quae tamen ei sola in malis restiterunt, afuit ab oculis vestris et, cum lege retineretur, ipse se exsilio paene multavit. XXVII. In hoc vos pudore, iudices, et in hac vita tanto sceleri locum fuisse creditis? Aspicite ipsum, contuemini os, conferte crimen cum vita, vitam ab initio usque ad hoc tempus explicatam cum crimine recognoscite. Mitto rem publicam, quae fuit 75
semper Sullae carissima: hosne amicos, talis viros, tam cupidos sui, per quos res eius secundae quondam erant ornatae, nunc sublevantur adversae, crudelissime perire voluit, ut cum Lentulo et Catilina et Cethego foedissimam vitam ac miserrimam turpissima morte proposita degeret? Non, inquam, cadit in hos mores, non in hunc pudorem, non in hanc vitam, non in hunc hominem ista suspicio. Nova quaedam illa immanitas exorta est, incredibilis fuit ac singularis furor; ex multis ab adulescentia collectis perditorum hominum vitiis repente ista tanta importunitas inauditi sceleris exarsit. Nolite, iudices, arbitrari hominum illum 76
impetum et conatum fuisse; neque enim ulla gens tam barbara aut tam immanis umquam fuit, in qua non modo tot,

Seems to me that we have here a use of tamen wh. I have never seen commented upon. It really modifies quae quasi-adjectivally: 'which (studia), such as they were' — or although it might be taken as = eg. in tanta calamitate. Tamen in l. 17 is best explained in a similar fashion, tho' there a more ordinary interpretation is perhaps possible.

sed unus tam crudelis hostis patriae sit inventus: beluae quaedam illae ex portentis immanes ac ferae, forma hominum indutae, exstiterunt. Perspicite etiam atque etiam, iudices, nihil enim est, quod in hac caussa dici possit vehementius, penitus introspicite Catilinae Autroni Cethegi Lentuli ceterorumque mentis: quas vos in his libidines, quae flagitia, quas turpitudines, quantas audacias, quam incredibilis furores, quas notas facinorum, quae indicia parricidiorum, quantos acervos scelerum reperietis! Ex magnis et diuturnis et iam desperatis rei publicae morbis ista repente vis erupit, ut ea confecta et eiecta convalescere aliquando et sanari civitas posset; neque enim est quisquam qui arbitretur, illis inclusis in re publica pestibus diutius haec stare potuisse. Itaque eos non ad perficiendum scelus, sed ad luendas rei publicae
77 poenas Furiae quaedam incitaverunt. XXVIII. In hunc igitur gregem vos nunc P. Sullam, iudices, ex his, qui cum hoc vivont atque vixerunt, honestissimorum hominum gregibus reicietis? Ex hoc amicorum numero, ex hac familiarium dignitate in impiorum partem atque in parricidarum sedem ac numerum transferetis? Ubi erit igitur illud firmissimum praesidium pudoris? Quo in loco nobis vita ante acta prodierit? Quod ad tempus existimationis partae fructus reservabitur, si in extremo discrimine ac dimicatione fortunae deseret, si non aderit, si nihil adiuvabit?

78 Quaestiones nobis servorum accusator et tormenta minitatur. In quibus quamquam nihil periculi suspicamur, tamen illa tormenta gubernat dolor, moderatur natura cuiusque cum animi tum corporis, regit quaesitor, flectit libido, corrumpit spes, infirmat metus, ut in (tot rerum) angustiis nihil veritati loci relinquatur. Vita P. Sullae torqueatur; ex ea quaeratur, num quae occultetur libido, num quod lateat facinus, num quae crudelitas, num quae audacia. Nihil erroris erit in caussa nec obscuritatis, iudices, si a vobis vitae

perpetuae vox, ea quae verissima est et gravissima debet esse, audietur. Nullum in hac caussa testem timemus; nihil quemquam scire, nihil vidisse, nihil audisse arbitramur. Sed 79 tamen, si nihil vos P. Sullae fortuna movet, iudices, vestra moveat. Vestra enim, qui cum summa elegantia atque integritate vixistis, hoc maxime interest, non ex libidine aut simultate aut levitate testium caussas honestorum hominum ponderari, sed in magnis disquisitionibus repentinisque periculis vitam unius cuiusque esse testem. Quam vos, iudices, nolite armis suis spoliatam atque nudatam obicere invidiae, dedere suspicioni. Munite communem arcem bonorum, obstruite perfugia improborum, valeat et ad poenam et ad salutem plurimum, quam solam videtis per se ex sua natura facillime perspici, subito flecti fingique non posse.

XXIX. Quid vero? Haec auctoritas, semper enim est 80 de ea dicendum, quamquam a me timide modiceque dicetur, quid? inquam, haec auctoritas nostra, qui a ceteris coniurationis caussis abstinuimus, P. Sullam defendimus, nihil hunc tandem iuvabit? Grave est hoc dictu fortasse, iudices, grave, si adpetimus aliquid; si cum ceteri de nobis silent, non etiam nosmet ipsi tacemus, grave: sed, si laedimur, si accusamur, si in invidiam vocamur, profecto conceditis, iudices, ut nobis libertatem retinere liceat, si minus liceat dignitatem. Accusati 81 sunt uno nomine consulares, ut iam videatur honoris amplissimi nomen plus invidiae quam dignitatis adferre. 'Adfuerunt' inquit 'Catilinae illumque laudarunt.' Nulla tum patebat, nulla erat cognita coniuratio; defendebant amicum, aderant supplici, vitae eius turpitudinem in summis eius periculis non insequebantur. Quin etiam parens tuus, Torquate, consul reo de pecuniis repetundis Catilinae fuit advocatus, improbo homini, at supplici, fortasse audaci, at aliquando amico. Cui cum adfuit post delatam ad eum primam illam coniurationem, indicavit se audisse aliquid, non

credidisse. 'At idem non adfuit alio in iudicio, cum adessent ceteri.' Si postea cognorat ipse aliquid, quod in consulatu ignorasset, ignoscendum est eis, qui postea nihil audierunt; sin illa res prima valuit, num inveterata quam recens debuit esse gravior? Sed si tuus parens etiam in ipsa suspicione periculi sui tamen humanitate adductus advocationem hominis improbissimi sella curuli atque ornamentis et suis et consulatus honestavit, quid est quam ob rem consulares, qui
82 Catilinae adfuerunt, reprehendantur? 'At idem eis, qui ante hunc caussam de coniuratione dixerunt, non adfuerunt.' Tanto scelere adstrictis hominibus statuerunt nihil a se adiumenti, nihil opis, nihil auxili ferri oportere. Atque ut de eorum constantia atque animo in rem publicam dicam, quorum tacita gravitas et fides de uno quoque loquitur neque cuiusquam ornamenta orationis desiderat, potest quisquam dicere umquam meliores fortiores constantiores consularis fuisse, quam eis temporibus et periculis, quibus paene oppressa est res publica? Quis non de communi salute optime, quis non fortissime, quis non constantissime sensit? Neque ego praecipue de consularibus disputo; nam haec et hominum ornatissimorum, qui praetores fuerunt, et universi senatus communis est laus, ut constet post hominum memoriam numquam in illo ordine plus virtutis, plus amoris in rem publicam, plus gravitatis fuisse: sed quia sunt descripti consulares, de his tantum mihi dicendum putavi, quod satis esset ad testandam omnium memoriam, neminem esse ex illo honoris gradu, qui non omni studio virtute auctoritate incubuerit ad rem publicam conservandam.

83 XXX. Sed quid ego? Qui Catilinam non laudavi, qui reo Catilinae consul non adfui, qui testimonium de coniuratione dixi in alios, adeone vobis alienus a sanitate, adeo oblitus constantiae meae, adeo immemor rerum a me gesta-

rum esse videor, ut, cum consul bellum gesserim cum coniu-
ratis, nunc eorum ducem servare cupiam, et in animum
inducam, cuius nuper ferrum rettuderim flammamque re-
stinxerim, eiusdem nunc caussam vitamque defendere? Si
medius fidius, iudices, non me ipsa res publica, meis labori-
bus et periculis conservata, ad gravitatem animi et constan-
tiam sua dignitate revocaret, tamen hoc natura est insitum, ut,
quem timueris, quicum de vita fortunisque contenderis,
cuius ex insidiis evaseris, hunc semper oderis. Sed cum
agatur honos meus amplissimus, gloria rerum gestarum sin-
gularis, cum, quotiens quisque est in hoc scelere convictus,
totiens renovetur memoria per me inventae salutis, ego sim
tam demens, ego committam, ut ea, quae pro salute omnium
gessi, casu magis et felicitate a me quam virtute et consilio
gesta esse videantur? 'Quid ergo? Hoc tibi sumis' dicet 84
fortasse quispiam, 'ut, quia tu defendis, innocens iudicetur?'
Ego vero, iudices, non modo mihi nihil adsumo, in quo quis-
piam repugnet, sed etiam, si quid ab omnibus conceditur, id
reddo ac remitto. Non in ea re publica versor, non eis
temporibus meum caput obtuli pro patriae periculis omnibus,
non aut ita sunt exstincti quos vici, aut ita grati quos servavi,
ut ego mihi plus adpetere coner, quam quantum omnes ini-
mici invidique patiantur. Grave esse videtur eum, qui inves- 85
tigarit coniurationem, qui patefecerit, qui oppresserit, cui
senatus singularibus verbis gratias egerit, cui uni togato
supplicationem decreverit, dicere in iudicio: 'non defende-
rem, si coniurasset.' Non dico id, quod grave est: dico
illud, quod in his caussis coniurationis non auctoritati adsu-
mam, sed pudori meo: ego ille coniurationis investigator
atque ultor certe non defenderem Sullam, si coniurasse
arbitrarer. Ego, iudices, de tantis omnium periculis cum
quaererem omnia, multa audirem, crederem non omnia,
caverem omnia, dico hoc, quod initio dixi, nullius indicio,

R. S.

nullius nuntio, nullius suspicione, nullius litteris de P. Sulla rem ullam ad me esse delatam.

86 XXXI. Quam ob rem vos, di patrii ac penates, qui huic urbi atque huic rei publicae praesidetis, qui hoc imperium, qui hanc libertatem, qui populum Romanum, qui haec tecta atque templa me consule vestro numine auxilioque servastis, testor integro me animo ac libero P. Sullae caussam defendere, nullum a me sciente facinus occultari, nullum scelus susceptum contra salutem omnium defendi ac tegi. Nihil de hoc consul comperi, nihil suspicatus sum,

87 nihil audivi. Itaque idem ego ille, qui vehemens in alios, qui inexorabilis in ceteros esse visus sum, persolvi patriae quod debui: reliqua iam a me meae perpetuae consuetudini naturaeque debentur; tam sum misericors, iudices, quam vos, tam mitis quam qui lenissimus. In quo vehemens fui vobiscum, nihil feci nisi coactus: rei publicae praecipitanti subveni, patriam demersam extuli; misericordia civium adducti tum fuimus tam vehementes quam necesse fuit. Salus esset amissa omnium una nocte, nisi esset severitas illa suscepta. Sed ut ad sceleratorum poenam amore rei publicae sum adductus, sic ad salutem innocentium voluntate deducor.

88 Nihil video esse in hoc P. Sulla, iudices, odio dignum, misericordia digna multa: neque enim nunc propulsandae calamitatis suae caussa supplex ad vos, iudices, confugit, sed ne quae generi ac nomini suo nota nefariae turpitudinis inuratur. Nam ipse quidem, si erit vestro iudicio liberatus, quae habebit ornamenta, quae solacia reliquae vitae, quibus laetari ac perfrui possit? Domus erit, credo, exornata, aperientur maiorum imagines, ipse ornatum ac vestitum pristinum recuperabit. Omnia, iudices, haec amissa sunt; omnia generis nominis honoris insignia atque ornamenta unius iudici calamitate occiderunt. Sed ne exstinctor patriae, ne

proditor, ne hostis appelletur, ne hanc labem tanti sceleris in familia relinquat, id laborat, id metuit; ne denique hic miser coniurati et conscelerati et proditoris filius nominetur. Huic puero, qui est ei vita sua multo carior, metuit, cui honoris integros fructus non sit traditurus, ne aeternam memoriam dedecoris relinquat. Hic vos orat, iudices, parvos, ut se 89 aliquando, si non integra fortuna, at ut adflicta, patri suo gratulari sinatis; huic misero notiora sunt itinera iudiciorum et fori quam campi et disciplinarum. Non iam de vita P. Sullae, iudices, sed de sepultura contenditur: vita erepta est superiore iudicio, nunc ne corpus eiciatur laboramus. Quid enim est huic reliqui, quod eum in hac vita teneat, aut quid est, quam ob rem haec cuiquam vita videatur? XXXII. Nuper is homo fuit in civitate P. Sulla, ut nemo ei se neque honore neque gratia neque fortunis anteferret: nunc spoliatus omni dignitate, quae erepta sunt non repetit; quod fortuna in malis reliqui fecit, ut cum parente, cum liberis, cum fratre, cum his necessariis lugere suam calamitatem liceat, id sibi ne eripiatis, vos, iudices, obtestatur. Te ipsum iam, Torquate, exple- 90 tum huius miseriis esse par erat: etsi nihil aliud Sullae nisi consulatum abstulissetis, tamen eo contentos vos esse oportebat; honoris enim contentio vos ad caussam, non inimicitiae deduxerunt. Sed cum huic omnia cum honore detracta sint, cum in hac fortuna miserrima ac luctuosissima destitutus sit, quid est quod expetas amplius? Lucisne hanc usuram eripere vis, plenam lacrimarum atque maeroris, in qua cum maximo cruciatu ac dolore retinetur? Libenter reddiderit, adempta ignominia foedissimi criminis. An vero inimicum ut expellas? Cuius ex miseriis, si esses crudelissimus, videndo fructum maiorem caperes quam audiendo. O miserum et 91 infelicem illum diem, quo consul omnibus centuriis P. Sulla renuntiatus est, o falsam spem, o volucrem fortunam, o caecam cupiditatem, o praeposteram gratulationem! Quam

cito illa omnia ex laetitia et voluptate ad luctum et lacrimas reciderunt, ut, qui paulo ante consul designatus fuisset, repente nullum vestigium retineret pristinae dignitatis! Quid enim erat mali, quod huic spoliato fama honore fortunis deesse videretur, aut cui novae calamitati locus ullus relictus esse? Urguet eadem fortuna, quae coepit; repperit novom maerorem; non patitur hominem calamitosum uno malo adflictum uno in luctu perire.

92 XXXIII. Sed iam impedior egomet, iudices, dolore animi, ne de huius miseria plura dicam. Vestrae sunt iam partes, iudices; in vestra mansuetudine atque humanitate caussam totam repono. Vos reiectione interposita nihil suspicantibus nobis repentini in nos iudices consedistis, ab accusatoribus delecti ad spem acerbitatis, a fortuna nobis ad praesidium innocentiae constituti. Ut ego, quid de me populus Romanus existimaret, quia severus in improbos fueram, laboravi et quae prima innocentis mihi defensio est oblata suscepi, sic vos severitatem iudiciorum, quae per hos mensis in homines audacissimos facta sunt, lenitate ac misericordia

93 mitigate. Hoc cum a vobis impetrare caussa ipsa debet, tum est vestri animi atque virtutis declarare, non esse eos vos, ad quos potissimum interposita reiectione devenire conveneri. In quo ego vos, iudices, quantum meus in vos amor postulat, tantum hortor, ut communi studio, quoniam in re publica coniuncti sumus, mansuetudine et misericordia nostra falsam a nobis crudelitatis famam repellamus.

NOTES.

§ 1, P. 35.

1 *vellem:* we have here the apodosis of a conditional sentence, the protasis of which is not expressed; the complete sentence would run 'I would wish, *if it were possible for my wish to be fulfilled.*' Similar incomplete conditional sentences are common in all languages, our own included. The ellipse is frequent in Latin with the verb *velle;* cf. e.g. Lael. 5 *tu velim avertas* (sc. *si tu quoque velis*), with my n.; more unusual examples will be found in Lael. 64 *ubi invenias* (sc. *si quaeras*); Arch. 26 *impetravisset;* Balb. 49 *quis esset* (sc. *etiam si exquireretur*); on all which passages see my nn. Cf. also Roby § 1536; below § 23, l. 3; § 25, l. 25; § 26, l. 9; § 46, l. 20 *velim.* In Div. in Caec. § 43 Cic. points out '*vellem si fieri potuisset, iudices*', as a hackneyed way of beginning a speech. [We rarely find such phrases as *minus quam volebam*, though *volo* and *velim*, *malo* and *malim* interchange; cf. Roby §§ 1537, 1587.]

dignitatis: i.e. the consulship. Cf. Introd. § 8.

2 *obtinere:* 'maintain'; the usual meaning of the word in good Latin, though the rule commonly laid down that *obtinere* never has the meaning of our word 'obtain' is mistaken.

calamitatem: see n. on 15, l. 17.

3 *modestiae:* 'submission to the laws'. In good Latin the word is always used of the law-abiding disposition, and does not correspond exactly to our word 'modesty', which is *pudor.* The expression is used of Sulla again in § 15, l. 19: his submission to the laws was shewn by his retirement to Naples after being condemned (§ 17, p. 41, l. 1).

percipere: 'reap'; the word is sometimes actually used of gathering in the harvest; cf. Cato m. 24 *serendis percipiendis condendis fructibus.* The metaphorical sense derived from this simple use is very common.

quoniam: the apodosis begins at *tamen in ceteris malis*, its proper form having been slightly changed by the introduction of *tamen*, which the awkward insertion of the clause *quamquam...capio* required. The whole sentence is clumsily constructed. A passage in Cicero's speech for M. Scaurus, as reported by Asconius, reproduces some of the expressions we have here.

4 *casus infestus:* 'an odious mischance'.

honore...everteretur: we can represent this exactly in English: 'was turned out of'. The phrases *bonis, fortunis evertere aliquem* or *everti* are of frequent occurrence; cf. also Pro dom. 125 *iura quibus alios everteres.*

Ambitio. *communi...invidia:* 'the jealousy that universally attends on the political career'. *Ambitio* has been supposed by some to stand here for *ambitus*, but, as Halm remarks, Cicero would not thus gratuitously reproach his own client. I may add that in Latin so early as Cicero *ambitio* is never the equivalent of *ambitus* in its sense of 'bribery', 'corrupt practice', at elections; the only bad sense it has is that of 'political jobbery'.

5 *Autroni:* objective genitive: 'the hatred felt for Autronius'. Cf. Kennedy § 174; Roby § 1312; my n. on Balb. 39 *sensu Poenorum;* so De Or. 2, 199 *Q. Caepionis odium;* Plaut. Amph. 1066 *terrore meo* (ed. Fleck.) = 'the dread you feel for me'.

7 *haberet:* 'should find'.

animos: here almost = 'spite'.

8 *quamquam...capio:* in his speech for C. Cornelius, delivered at the time, Cic. had expressed his sorrow for the condemnation of Autronius and Sulla, but had proclaimed it to be necessary.

9 *in ceteris malis:* 'in the midst of all my other troubles'; i.e. the anxieties and disagreeable duties thrown on Cic. by the Catilinarian conspiracy.

10 *boni viri:* 'loyal men', in contrast with *improbi ac perditi cives;* so in 9, l. 6; 20, p. 42, l. 4; 32, l. 7 and very often elsewhere.

Quasi. 12 *quasi:* here, as often in Cic. = 'almost'; e.g. Orat. 41 *quasi in extrema pagina Phaedri,* 'almost on the last page of the Phaedrus'.

intermissam: 'suspended'; the contrast with *notam* almost gives the word the sense of 'forgotten'. For the context cf. what Cic. says of his own disposition in § 8.

Sequence *agnoscerent:* the tense is accommodated to *oblatum esse,* not to *patior,* as might have been expected. Most writers (except Cicero) would have allowed the present to stand in spite of the interposition of the perfect *oblatum esse;* see Kennedy § 229, 1; Kühner Gram. § 181, 3 b. The notion that *agnoscere* can mean 'to recognise again' (Nägelsbach § 114 n.) is mistaken. *cf. viderent, 4 l 20*

improbi: 'unprincipled'. The omission of some adversative particle (*sed* or *contra* or the like) where clauses are contrasted, as here, is very common in Latin, but foreign to English idiom. See n. on 22, l. 30 *illud quaero.*

ἅπ. λεγ. 13 *redomiti:* the word is not found elsewhere in Latin, but is not on that account to be supposed spurious (with Halm). Cicero has not a few ἅπαξ εἰρημένα; e.g. *immoderatio,* below, § 30, l. 21; *herbescentem* in

Cato m. 51; *miratio* in De Div. 2, 49 (elsewhere only in Chalcidius); *intentus* (noun) in Sest. 117 (used by Apuleius in a different sense). *Coeptus* (noun) occurs in Fin. 4, 41 and Cat. 1, 6; after that only in Statius; cf. n. on § 33, l. 29 *incensione*. Halm says it is difficult to explain the force of the *re;* I answer that it has the same force as in *re-vincere*, which verb Cic. uses only twice, viz. here (as I think) and in Arch. 11; thus *re-domiti*='*thrust back and* quelled'. Halm's suggestion 'conquered over again' is certainly wrong.

revicti: see crit. n.

praecipitante: the transitive and intransitive uses of this verb are about equally common both in prose and verse. So below, 87, l. 16, and cf. Liv. 22, 12, 11 *mora ad praecipitandam rem publicam*.

§ 2.

15 *L. Torquatus:* see Introd. § 22.

familiaris ac necessarius: the latter word implies a closer degree of intimacy than the former; cf. § 44, l. 26 *Torquate, tibi meo familiari et contubernali;* also § 34, l. 8; 73, p. 60, l. 33 *familiarium amicorum*.

16 *si...violasset:* Torquatus had apparently alluded, in his speech for the prosecution, to his friendship with Cic., and had asserted that only strong public grounds induced him to range himself against his friend.

18 *auctoritate meae defensionis:* 'the prestige of my speech for the defence'.

huius: sc. *Sullae*, dependent on *periculi;* a most inconvenient use of the double genitive. So Nep. Them. 10, 1 *huius animi magnitudinem;* cf. also n. on 82, l. 15.

19 *offici mei:* 'of the service I am rendering'. *Officium* (*opi-ficium*) is primarily an act done from motives arising out of relationship or friendship.

20 *quo...orationis:* 'now I should not adopt this line in my speech'.

21 *locis:* 'occasions'; so below 77, l. 21, where see n.

P. 36.

1 *laude:* 'merit', that which deserves praise; so often, as in Arch. 14; Verg. Aen. 5, 355 *primam merui qui laude coronam*.

2 *deripuisset:* a strengthening of *detrahere* above. Halm excellently quotes Fin. 1, 43 *terroribus cupiditatibusque detractis et omnium falsarum opinionum temeritate derepta*; cf. too Verr. 4, 112 *de manu Cereris Victoriam deripere* (al. *eripere*) *et deam deae detrahere*.

4 *constantiam* etc.: 'my consistency in undertaking this service and this defence'.

§ 3.

Ac- 7 *ac:* 'now'; often used at the beginning of a sentence, like *καὶ μήν, καὶ δή,* in Greek, to draw attention to a new point.

abs: see n. on 24, l. 23.

8 *principibus ciuitatis:* the title *princeps* assumed by the Roman emperors probably comes from this phrase *princeps ciuitatis,* not from the phrase *princeps senatus,* as is commonly stated. Cf. 7, l. 22 *in re publica principes.*

in hoc officio: 'in connexion with this service', 'in the matter of'. Cf. n. on § 18, l. 6.

Repetition of Prep.. *atque in:* as Nägelsbach (Stil. § 121, 1) remarks, the repetition of the preposition *in* is necessary, because the *officium* and the *defensionis vis* are two things quite distinct and separate.

defensionis iure: 'the legal position of the defence'; cf. Caecin. 38 *aequitate defensionis.*

10 *Hortensi factum:* 'the course taken by H.'

Repetition of Verb. 11 *reprehendatur meum:* the repetition of the verb is not in accordance with English idiom, but is absolutely required by Latin in a case like the present, where the negative statement precedes the positive; so Lael. 90 *eam molestiam quam debent capere non capiunt, eam capiunt qua debent vacare.* But when the positive statement comes first, instead of the verb being repeated, *item* may take its place; e.g. Orat. 147 *omnium magnarum artium sicut arborum altitudo nos delectat, radices stirpesque non item.* Cf. also below, § 85, l. 27 *non dico...dico illud.* In *Q. Hortensi factum non reprehendatur, reprehendatur meum,* the chiasmus (inversion of the order of the words in corresponding clauses) should be noticed. See exx. below, § 8, p. 37, l. 31 n.; 26, l. 13 n.; 52, l. 20; 75, l. 22; 80, l. 20.

Style 13 *maiorem hae res dolorem:* observe how Cic. strives to separate words closely connected by syntax. So below § 8, p. 37, l. 30; § 27, l. 24; § 34, l. 14; § 64, p. 63, l. 31 *paulo etiam longius;* § 69, l. 12 *me aliquid ipso;* § 74, l. 16 *hoc vos pudore;* see my n. on Cato m. § 3 *parum... auctoritatis.*

14 *adferre:* trans. 'inspire'.

15 *grauius:* 'more severe'; so often, as in Flacc. 94 *grauia iudicia multa de coniuratorum scelere fecistis;* also below, § 13, l. 20 and § 85, p. 65, l. 27.

Noun with Constr. of Verb 16 *qui...videatur:* the noun *iudicium* here takes the construction of the verb *iudicare;* cf. § 70, l. 31, below. Instances of relative clauses directly depending on substantives are not very uncommon in Cicero; thus Tusc. 4, 57 *sapientiam esse rerum diuinarum et humanarum scientiam, cognitionemque, quae cuiusque rei causa sit;* Fin. 4, 13 *caussae, cur quidque fiat et demonstrationes quemadmodum quidque fiat.*

also 65 l 10 r n.

17 *esse videatur:* Cicero's propensity to end sentences with these words was so notorious that some Roman youths, says Quintilian (Inst. 10, 2, 18), thought they had mastered the great orator's style when they ended their sentences with *esse videatur.*

ita: perhaps the commonest equivalent in Latin of our 'yes'; so *non ita*='no'; § 54, l. 12 *ita prorsus* 'yes, precisely'.

inquit: the omission of the subject gives a touch of contempt; 'quoth he!' Cf. § 38, l. 25.

§ 4.

19 *non attendit:* 'it escapes him'. Halm justly remarks that the argument here is sophistical; Cic. chooses to assume that his own investigations into the conspiracy had left nothing to be discovered by others.

22 *hoc:* to be repeated with each of the three following nouns; the four nouns go in pairs, *honore auctoritate* (relating to public position) together, and *virtute consilio* (referring to personal character) together. The arrangement is common in Cic.; see my n. on Lael. 17.

23 *non dubitasse...defenderet:* 'had no doubt that in P. Sulla he was defending an innocent man'. Halm is decidedly wrong in taking the words to mean 'did not hesitate to undertake the defence of P. Sulla on the ground of his innocence'. Had Cic. meant this he would have written *defendere* for *quin defenderet;* since in a negative sentence (or an interrogative sentence which assumes a negative answer) *dubitare* takes the infinitive construction, when it means *to hesitate about a course of action*, but the subjunctive with *quin* when the sense is *to be in doubt whether certain facts are true or not.* Exceptions to this rule are very rare; see my n. on Cato m. § 16.

24 *qui aditus* etc.: the omission of the antecedent is not very common in Cic., especially when, as here, the substantive to which the relative refers is incorporated in the relative clause. Cf. § 87, l. 15 *in quo=in ea re in qua;* also 21, l. 14 *in quos.*

27 *summis viris:* so Cael. 73 *summi viri et clarissimi cives.*

quorum studio et dignitate: an instance of *res pro persona=a quibus studio et dignitate praeditis;* cf. 26, l. 13 *ille labor meus deservit;* 71, p. 60, l. 13 *huius si caussa teneretur;* 79, l. 6 *libidine testium.* Halm seems to take the passage as meaning 'to whose zeal and high position the crowds in the court are due', as though the presence of a few distinguished men who were interested in the case caused the outside public to flock to the trial. This explanation is in itself forced, and is moreover out of harmony with the succeeding words *ornari causam...defendi innocentiam.* Cf. Sest. 30; 77 [1] 18

30 *qui adsunt* etc.: cf. 61, l. 24.

31 *adsunt:* n. on § 14, p. 40, l. 8 *non adfuerim.*

salvom volunt: the omission of *esse* when *velle* is followed by an

1) Notes such as this are next to no good, since they do not indicate how common or otherwise such usages are. see huius innocentiam, just below, (24)
N.B. this use of res pro persona is only one of the possible uses of abstracts.

adjective or participle is very common in Cic.; see Madvig on Fin. 2, 102. But *esse* is often inserted, as below, § 32, l. 12 *salvom esse vellet.*

pro...auctoritate: 'so far as their participation and their influence go'.

§ 5.

32 *an vero:* the *an* can hardly be represented in English. It is really elliptic; here we have implied 'is what I have said true, or...?' For *an vero* cf. 32, l. 13.

Subsellia. *subselliis:* criminal trials were generally held in the forum, and seats were only provided for those who had some official connexion with the case, the judge and jury, the parties in the trial and their supporters (*advocati*).

33 *lumina rei publicae:* a favourite phrase with Cicero; see exx. in my n. on Balb. 48.

P. 37.

Ille v. hic. 1 *illum in locum...in hanc sedem: illum,* if the text be sound, has the common meaning of 'that famous', 'that splendid'; the clause introduced by *atque* is explanatory = 'I mean to this lofty position'. The reference is to the consulship, and Cic. means to imply that among Sulla's supporters were many ex-consuls (*viri consulares*). Halm thinks that in *illum...hanc* Cicero meant to contrast the *distance* by which, at the outset of his career, he was separated from the consulship with his *actual possession* of it; but this is a most fanciful notion.

Collocation of adjectives *multis et magnis:* Cic. nearly always inserts the *et* in this and similar phrases, except where a third adjective follows, as in Orat. 6 *multi oratores magni et clari.* See my n. on Lael. 30.

3 *laboribus et periculis:* Cic. often enlarges on the difficulty he experienced in achieving the consulship; cf. his expression in Mur. 17 *cum ego claustra ista nobilitatis refregissem.*

5 *hoc in genere quaestionis:* i. e. *in coniurationis quaestione* (§ 48, p. 52, l. 3).

neminem: placed at the end of the clause for the sake of emphasis.

A regular asyndeton 6 *recordare...intelleges:* in introducing a conclusion or result after an imperative (or subjunctive equivalent to it) the best prose writers always use asyndeton, as here; in verse, however, *et* sometimes precedes the conclusion; thus Verg. Ecl. 3, 104 *dic quibus in terris...et eris mihi magnus Apollo;* Phaedr. 3, 5, 7 *impinge lapidem, et dignum accipies praemium.*

De *de ceteris:* 'as to the others'; not directly dependent on *recordare,* but almost forming a clause alone. Elliptic expressions with *de* are thus often used by Cic.

Genitive of Personal Pronouns. 7 *meum et horum:* observe that the best writers do not allow the genitives *mei tui sui* to be dependent on substantives (unless the genitive be objective), but always replace them by the possessive pronouns in agreement with the substantives. Thus *mea tua sua causa,* not *mei.*

§ 6.

8 *Varguntei:* quaestor along with Cic. in 75 B.C. For the circumstances see Introd. § 18.

9 *praesertim:* 'and that though'; in Cicero *praesertim* not seldom introduces a consideration which is *contrasted* with what precedes, though oftener the second consideration is *confirmatory* of the first. The relative pronoun after *praesertim* (instead of *cum*) is decidedly rare; the only other example I can find is in Fam. 6, 2, 3 *ferendam esse fortunam, praesertim quae absit a culpa.* The subjunctive *defendisset* is *concessive;* see Roby § 1730; Kennedy § 225.

10 *ullo officio...coniunctum:* 'bound by any obligation'.

cum illo...cum: see n. on 16, l. 24.

13 *Servium Sullam:* for this man and the others here mentioned see Introd. § 21.

15 *nemo:* both the Greek and the Roman orators answer their own rhetorical questions, though a modern speaker would consider the force of such a question weakened if he did not leave the audience to supply the answer for themselves.

ceteris...hoc: this *proleptic* or *anticipatory* use of *ceteris* is common; see my n. on Cato m. § 3.

nocentis: in Off. 2, 51 Cic. says that custom and humanity alike allow an advocate to undertake the defence of a guilty man, provided he be not '*nefarius impiusque*'. Similarly in Lael. 61 Cic. says that a man may depart from the path of rectitude to serve a friend '*modo ne summa turpitudo sequatur*'. cf. pro Rur.

16 *si necessarii sunt:* sc. *inter se;* Halm's question therefore, whether *viri boni* or *nocentes* is the subject of *sunt,* is not to the point.

17 *hoc crimine:* cf. *hoc in genere quaestionis* above, l. 5.

levitatis: the genitive is explanatory. Cf. § 9, l. 10 *doloris caussa;* § 21, l. 8 *consulatus;* § 54, l. 11 *Fausti.*

est...si defendas: this slight irregularity in the construction of the conditional sentence is of frequent occurrence; cf. Roby § 1502; also n. on 15, l. 13.

18 *contagio sceleris:* 'criminal defilement'. 'abetting crime'.

obstrictum: 'implicated in'; cf. § 82, l. 11.

19 *parricidio:* the construction as in § 82, l. 11 *tanto scelere adstrictis.* Cic. often uses *parricidium* in reference to the crime of high treason; cf. Phil. 11, 29 *is qui nefario se patriae parricidio obstrinxerit;* also below, n. on 19, l. 25.

suspicere: Cic. commonly uses this form in the second person sing. pres. subj. deponent or passive, but the form in *-is* in the second person sing. pres. indic.

§ 7.

Nonne

20 *nonne...non...non:* when the negative is repeated in an interrogative sentence introduced by *nonne*, *non* is usually put for *nonne* in the second and succeeding places. Thus in Rosc. Am. 98 *nonne* is followed by *non* six times repeated.

Sodales

sodales: this word was first applied to members of the certain priesthoods, between whom an intimacy of a peculiar closeness was supposed to exist. By the end of the Republic the *sodalicia* or *sodalitates* (including many not recognised by the state) were very numerous, so that the number of persons who were really *sodales* was considerable. But the word was also applied metaphorically to indicate any close friendship. The word *sodalis* is by formation closely connected with *ἔθος*, the root being the same as that of *suus*, *se;* the original sense of the word is 'one engaged in the same functions with oneself'. *Collegae* also here signifies 'members of the same sacred *college*', the words *collegium* and *sodalitas* being divided by no strict line.

22 *in re publica principes:* 'leading statesmen'; cf. above, § 3, l. 8 *principibus civitatis*. *Re publica* is rightly written as two words; see my n. on Lael. 15 *publica re*.

defuerunt: so above, § 5, p. 37, l. 5 *desim*, the opposite of *adfuerunt* in its technical sense, for which see n. on § 14, p. 40, l. 8. In §. 19 Cic. mentions the Marcelli as endeavouring to avert the condemnation of Autronius.

Laedere of witnesses

23 *laeserunt:* a word technically applied to witnesses whose evidence is damaging; cf. De Or. 2, 301 *saepe testis non laedit nisi lacessitus;* ib. 2, 285 *cum laesisset testis Silus Pisonem;* Caec. 28 *ut Caecinam periurio suo laederet;* so below, § 10, l. 23.

tantus... Quod etc. Comparison

tantum...quod: for this correspondence of *tantus* with the relative (far from uncommon) cf. Acad. 2, 122 *nulla acies humani ingeni tanta est quae penetrare in caelum possit.* The relative also takes the place of *ut* with the demonstrative *is* after *talis* and *tam* (followed by an adjective); cf. Fam. 10, 6, 3; Lael. 23.

24 *occultari: occulto* is stronger than *occulo*, and implies studied concealment.

per se: 'so far as they were concerned'; a phrase not equivalent to *a se* (as Halm says) but parallel to '*per me stetit*' and the like expressions.

26 *adesse...afuisse:* n. on 14, p. 40, l. 8.

28 *praeter ceteros:* so in 9, l. 13 *praeter alios*. Halm remarks that *praeter reliquos* is not used, and that *prae ceteris* (for *praeter ceteros*) is exceedingly rare; as a matter of fact the latter phrase is found only once in classical Latin (in the best texts), viz. Cornificius ad Herenn. 2, 34. *Ante alios* is only found in poetry and the later prose.

29 *singulari:* 'unparalleled.'

§ 8.

30 *hanc...personam:* the interval by which these words are separated is unusually great. *Persona* is, strictly, the mask used by actors when representing a typical character on the ancient stage. For each type, the young man, the old man, the parasite etc., there was a separate mask. Hence *persona* came to mean 'character', implying always that the individual in connexion with whom it is used, is one of a class. In the best Latin the word is never employed like our 'person'. Cf. § 63, l. 7 *P. Sullae persona.*

imponis: so *imponere personam alicui* in Caec. 14; Leg. agr. 2, 49; Off. 1, 97. For the context cf. Mur. 6 *ego autem has partis lenitatis et misericordiae quas me natura ipsa docuit, semper egi libenter, illam vero gravitatis severitatisque personam non appetivi, sed a re publica mihi impositam sustinui.*

in omni vita: closely with *res gestas;* cf. p. 43, l. 3.

31 *natura...patria...patria...natura:* note the chiasmus, for which see n. on § 3, l. 11.

32 *severum:* 'firm' (in exacting punishment).

P. 38.

3 *omni: tota* might have been expected here; but see n. on 17, p. 41, l. 1.

§ 9.

4 *nihil est quod...abstrahas:* 'there is no reason why you should withdraw'. For the subjunctive (consecutive) see Roby §§ 1680—1686; Munro on Lucr. 1, 83; Cluent. 147; Catull. 10, 9. The positive expression *est quod* and the interrogative *quid est quod* are also common. The subjunctive is exactly of the same character as that after *est qui* etc., *quod* being really an accusative of reference (like *nihil* in § 77, l. 24, and *hoc* in 35, l. 20), so that *nihil est quod* = 'there is nothing in regard to which'.

5 *comitatu:* this word usually means a crowd in attendance on one particular person; here however the sense is merely 'company', all the members being regarded as on the same level.

6 *simplex:* 'indivisible', as in Cato m. 78 *cum simplex animi natura esset.* The word properly means 'of one fold', *sim-* being from √ *sam,* from which come *simul, ὁμοῖος* and many other words, while *-plex* is from √ *plek* in *plico, πλέκειν.* It is often joined with *unus,* as in Font. 22 (Halm) *unum est et simplex aurium iudicium.*

una: 'inseparable'.

bonorum: in the political sense of the word; see 1, l. 10 n.

7 *admirere:* n. on 6, l. 19.

parte: just our 'party', as often in Cicero's Letters. There is a

glance at politics here, as nearly all the men hinted at were of the *optimates*.

8 *animum adverteris:* observe that the verb is in the future perfect indicative, *not* the perfect subjunctive. As to *animum adverteris* for *animadverteris* see n. on Lael. 8.

videbis: the tense is accommodated to *erit*, not to *animum adverteris*.

nulla...propria: 'there is no political circumstance which is mine exclusively'. *Caussa doloris* is (as Halm remarks) little more than a periphrasis for *dolor;* the form of expression is common in Cic., who similarly says in the 'De Finibus' (5 § 33) that when he uses the phrase '*natura hominis*' it means nothing more than '*homo*'. For the genitive cf. n. on § 6, l. 17 *levitatis;* also on 23, l. 11 *pro magnis*.

11 *princeps ad salutem:* 'guide to safety'; for the constr. cf. Arch. 1 *princeps ad ingrediendam rationem horum studiorum;* Phil. 10, 24 *principem ad conatum;* also Lael. 26; Verr. 5, 40; Fam. 10, 17, 2. Halm says *ad salutem* depends not on *princeps* but on *princeps esse*, a distinction which is untenable because the genitive sometimes follows *princeps*, as in Sall. hist. 3, 60 (ed. Dietsch) *principes intellegendi*, just as *auctor adiutor* and other words are followed sometimes by the gen., sometimes by *ad* with acc.

13 *consuli:* = *cum consul essem:* 'ὑπάτῳ ὄντι'; cf. § 14, p. 40, l. 3; also n. on 31, p. 46, l. 3.

praecipuom: scarcely different in sense from *proprium* above; cf. Liv. 3, 14, 4 *ut nemo unus praecipuum quicquam gloriae domum invidiaeve ferret;* so below § 12, l. 8 contrasted with *communis*, as here. Cf. also n. on 82, l. 20.

alios...ceteris: 'some others'...'all others'. In the first case Cic. is comparing himself with a few persons, viz. those who held office at the same time with him, during the Catilinarian conspiracy; in the second case with the whole body of citizens. Cf. § 87, l. 11 *vehemens in alios, inexorabilis in ceteros*.

15 *partiendae...communicandae:* the words do not differ in meaning more widely than our words 'divide' and 'share'; the latter usually implies more of companionship and friendship between the parties than the former.

§ 10.

18 *hoc totum eius modi est:* 'the long and the short of it is this'.

inconstans ac levis: 'inconsistent and unstable'; so *inconstantia* and *levitas* are often put together by Cic.; see Clu. 135; Flacc. 66.

19 *convenerit:* though the *ut* is preceded by *est;* the reason being that a particular past time is referred to.

20 *auctoritatem:* dependent on *conveniat*, to be supplied from *convenerit*.

ratio...offici: 'regard for the public interest, respect for private obligation'.

21 *voluntatis:* 'good will'; the word is constantly used by Cic. of *political* inclinations.

nihil minus etc.: i.e. he never ought to contrast my two actions as though they were inconsistent.

22 *debet:* the words *eius modi est ut*, which govern the verb in the apodosis to *si...levis*, are not allowed to influence the second apodosis. ‖ Anacoluth Variation Constr.

23 *laesum:* see n. on § 7, l. 23.

videor...adferre: 'I think I carry with me'.

24 *opinionis:* 'reputation': i.e. what people think of a man. This objective use of the word is common and exactly resembles the use of *existimatio*. Cf. Lael. 37 *uirtutis opinio* 'a reputation for virtue'; see my n. there; also *existimatio*, as below, § 77, l. 22; and n. on § 61, l. 29 *ambulatione*.

25 *auctoritatis:* 'prestige', as below, 12, l. 13. Halm well quotes Brut. 111 *in Scauri oratione gravitas summa et naturalis quaedam inerat auctoritas, non ut caussam sed ut testimonium dicere putares, cum pro reo diceret.*

§ 11.

27 *constituuntur:* 'are assumed'.

28 *Lepido:* Manius Aemilius Lepidus, consul with Lucius Volcatius Tullus in 66 B.C. Both were men of little account in Roman politics; they were partisans of Pompeius in the civil war, but became reconciled with Caesar and appeared in the senate under him. For the first conspiracy of Catiline see Introd. § 10. Garatoni notes the designation of one consul by his *nomen* (Volcatius) and of the other by his *cognomen* (Lepidus); so in § 56, p. 54, l. 32 *L. Iulio, C. Figulo consulibus*. There was no standing rule about the use of *nomen* or *cognomen*, which depended on caprice or convenience. Gar. remarks that the name Aemilius here would have been inconvenient, because there were so many Aemilii. Use of Names.

29 *harum in utraque:* note the collocation of the words. Cic. rarely used such collocations as *in omnibus horum* for *horum in omnibus*.

30 *patris:* cf. §§ 30, 34, 81 and Introd. § 10.

32 *cum...esset:* 'though between myself and you there was the greatest familiarity'. See Introd. § 22.

illorum temporum et sermonum: 'that crisis and those discussions'.

33 *credo quod:* the parenthetical *credo* is usually (though not always) ironical, and doubtless is so here and below, § 27, l. 26; § 88, l. 29; so sometimes when not parenthetic, as in § 39, l. 33. Cicero means to convey the impression that he *ought* to have been summoned to the council.

quod nondum...versabar: 'because I was not yet familiar with the inner paths of statesmanship'. For the phrase cf. Prov. cons. 40 *posteaquam sum penitus in rem publicam ingressus;* Balb. 14 *cum in tanta re publica versere.*

P. 39.

2 *honoris:* genitive defining *finem;* 'the end I had set before myself, viz. office'. *Finis* is to be taken in the common metaphorical sense of 'aim', and *honoris* means office in the abstract. In Planc. 60 *honorum populi finis est consulatus, finis* has its literal and *honorum* its concrete sense.

ambitio: 'the passion for advancement'; so often, as in Off. 1, 87 *ambitio honorumque contentio.*

illa cogitatione: = *c. de illa re;* so *istius suspicionis* in § 12, l. 16; and often.

§ 12.

4 *vestris consiliis:* the deliberations of your father and yourself. So *vos, vobis* below.

5 *adesse:* in its technical sense: see n. on 14, p. 40, l. 8.

cum...tum...cum...tum: the occurrence of *cum...tum* twice over in the same sentence is very unusual, excepting when the clauses in which the repetition occurs are exactly parallel, as e.g. in Balb. 13 *cum fortitudinis tum vero humanitatis, cum animi tum consili.* Halm quotes what is probably the only other instance in Cicero of clauses containing *cum ...tum* being wrapped up in or dependent on another clause containing a *tum* which corresponds to a preceding *cum*, viz. Font. 41 (ed. Halm.) *postremo ipse cum in omnibus vitae partibus honestus atque integer tum in re militari cum summi consili et maximi animi, tum vero usu quoque bellorum gerendorum exercitatus.*

honorem ac dignitatem atque etc.: we have here an enumeration consisting of two branches, the first being subdivided (*honorem ac dignitatem*). In such a case *ac* nearly always connects the two subdivisions, unless a vowel or guttural or *h* follows. See also my n. on Cato m. § 13. *Honorem* refers rather to Hortensius' *official* position (as ex-consul); *dignitatem* to his general character and standing; cf. 24, l. 18.

6 *animum eximium:* 'conspicuous affection'; so § 82, l. 13 *animo in rem publicam.*

7 *amorem in patrem:* less ambiguous than *amor patris* would have been; see n. on 82, l. 24.

8 *communibus...praecipuis:* n. on 9, l. 13.

10 *cognovit...consili:* for the technical meanings of these words see n. on 13, l. 17.

11 *et consili vestri fuit et timoris:* the word *fuit* is placed between *consili* and *timoris* by the grammatical figure called *coniunctio*, for which cf. below, 18, l. 12; 26, l. 12; 42, p. 50, l. 5; 75, l. 24; 83, p. 65, l. 6.

12 *copiosissima...ornatissima:* the former epithet applies to the matter, the latter to the style of the speech.

13 *auctoritatis:* 'personal influence' or 'prestige', particularly as dependent on character. See above, 10, l. 25 n.

facultatis: 'ability'. For the contrast between *facultas* and *auctoritas* cf. Mur. 4 *is defensor daretur qui non minus adferret ad dicendum auctoritatis quam facultatis.*

14 *delata...prolata:* an instance of what is called *figura etymologica*, where words containing a common element are contrasted; cf. below, 30, l. 16 *improbis...improbe;* § 47, l. 25 *amissum...remissum;* § 49, l. 21 *victi...vinceretis;* § 63, l. 19 *ferebat...referebat.* 27 l 26; 47 l 30-1

figura etymologica

15 *dicitur:* by the opposite side; see § 11, l. 29 *coniuratio facta esse dicitur.*

16 *animo comperi:* the word *animo* is only inserted in order to form a contrast with *auris;* cf. 26, l. 19 *animus...aures;* 33, l. 20 *mentis auriumque.* The verb *comperio* is constantly used of obtaining information concerning some hidden conspiracy; see my n. on Acad. 2 § 62.

Antitesi

istius suspicionis:=suspicionis de ea re; just as below § 66, l. 15 *ille terror=terror illius rei;* so above § 11, p. 39, l. 3 and often.

§ 13.

17 *consilio...cognorunt: consilium* is technically used of any body of advisers to a magistrate, but more particularly of juries; see my n. on Lael. 37. *Cognoscere* is also a technical term for trying a case (cf. § 60, l. 19). Cicero here implies that the senators summoned to his council by Torquatus' father practically acted as a jury in a criminal trial. The phrase *in consilio esse alicui* or *adesse alicui* is very common.

18 *quibus...putabatur:* 'the very persons against whom it was thought that danger was being devised at the time'. *Conflare* is a very favourite word with Cicero, who uses it of any underhand proceedings directed to the detriment of another. So in Cluent. 18 *conflare malum* 'to plot mischief'; Verr. 2, 116 *c. accusationem* 'to trump up a charge'.

Conflare

19 *Autronio...dixerunt:* see above §§ 7, 10.

illum: this is chosen, not *eum*, because it affords a better contrast with *hunc, huic, huius* below.

20 *gravia:* 'damaging'; cf. 3, l. 15 n.

hunc...huic...huius: for the repetition cf. 26, l. 7.

defendunt...adsunt: some actually speak for him; others countenance his defence by their presence as *advocati.*

21 *periculo:* n. on 20, p. 41, l. 31.

23 *tempus:* 'the circumstances'.

Comparative + Superlative

crimen maximae coniurationis: 'the charge relating to the most important of the conspiracies'. In Latin, as in English, the superlative is sometimes used where *two* things only are compared, and when the comparative would be strictly correct. Similarly in 81, p. 63, l. 33 Cic. says *primam coniurationem*, but in 14, p. 39, l. 29 *superioris coniurationis.*

24 *atque:* 'moreover'.

25 *fortuito...temere:* the first word denotes the mere absence of reflection, the second indicates the reckless disregard of considerations which reflection has suggested.

26 *criminum...patronos:* 'as advocates to answer the charges'. This use of *patronus* to denote one who averts, not upholds something, is very unusual. The word *defensor* is commonly used in both senses; cf. e.g. Sest. 4 *salutis defensoribus* with Mil. 58 *defensores necis.*

quorum: 'with regard to which'.

27 *uterque nostrum:* the forms *nostrum vestrum* are not used by the best writers in any other than the partitive sense; cf. n. on 33, p. 46, l. 31. utrique nostrum...putavit

28 *potuisset:* I am unable to understand why Halm should say that *posset* here would have been more correct. The sense is 'each of us thought he ought to deal with the facts concerning which he *had had* the *opportunity* (i.e. before the time when the deliberation which is implied by *putavit* took place) of personally acquiring knowledge and forming an opinion'. It seems to me that *posset* would be wholly inadmissible here, inasmuch as it would mean that Hortensius and Cicero chose parts of the case with a view to being able to learn something of them *after the choice had been made.*

§ 14.

30 *hac:* 'the recent'. *Hic* and *ille* are often used to indicate events separated in time, *hic* denoting the later, *ille* the earlier. See my n. on Lael. § 10, and cf. below § 56, p. 54, l. 33.

hoc primum: apparently *hoc* refers to what comes after in the next section; in this sense *illud* would have been more usual.

Cum.

32 *cum essem consul:* 'being consul', 'inasmuch as I was consul'; so below § 34, l. 8. The subjunctive here indicates that it was the *duty* of the consul to undertake the investigations mentioned; that the connexion between the fact of Cicero being consul and the fact of his conducting the inquiry was not accidental, but that one fact was cause of the other. If Cic. had said *cum eram*, the two facts would have been merely pointed out as having happened *at the same time. Cum* with subj. never has in Cic. quite the same force as *cum* with indic.

Audio.

multa audivi: 'I received much information' (without asking for it); *multa quaesivi:* 'I set on foot many inquiries'; *multa cognovi:* 'I as-

certained many facts'. *Cognovi* here gives the result of *quaesivi:* cf. Sest. 47 *nihil ipse legendo quaerendoque cognoveram?* Verr. 5, 174 *a me pervestigata et cognita;* ib. 4, 137.

P. 40.

1 *nuntius...litterae:* see n. on § 17, p. 40, l. 28.

indicium: this differs from *nuntius*, inasmuch as *index* is the professional informer, who expects to benefit personally by his information. So in 42, p. 50, l. 7; 43, l. 20; 52, l. 21; but in 76, p. 62, l. 8 the word has the quite general sense of 'indication'. With the context here cf. 20, p. 42, l. 2 *nusquam nomen, nusquam vestigium fuerat; nullum crimen, nullum indicium, nulla suspicio;* also 85, p. 66, l. 1, which passage shews the rashness of those who have wished to expel the words *nulla suspicio* here as a gloss.

2 *nulla suspicio:* the position of these words, after the verb, and at the end of the sentence, throws great emphasis upon them. There is no zeugma here, as Richter supposes, for Cic. might very properly say '*nulla suspicio ad me pervenit*'='no suspicion reached me'. Richter has probably erred by unnecessarily concluding from *suspicatum esse* below that *suspicio* means a suspicion entertained by Cic. himself, whereas it plainly means a suspicion entertained by others.

multum haec vox etc.: this sentence is hard to render in English. Say 'when one who as consul by his statesmanlike policy unearthed the conspiracy, by his rectitude disclosed it, by his high spirit punished it, declares that he received no information about P. Sulla, and entertained no suspicion concerning him, this assertion of his ought perhaps to carry great weight'. Cic. never stints his praises of his own action in suppressing Catiline; but the speeches before his exile are more moderate in this respect than those delivered afterwards.

3 *rei publicae consilio:* literally 'by his plans concerning the state'=*consilio de re publica*, which might have stood here. Similarly § 48, p. 52, l. 3 *coniurationis quaestione=q. de coniuratione;* § 49, l. 20 *honoris certamen;* 77, l. 23 *dimicatione fortunae;* 80, l. 17 *coniurationis caussis*, and 85, l. 28; 90, l. 22 *honoris contentio.*

4 *veritate:* Richter strangely says that this is put for *ad veritatem*, 'with a view to symmetry'. He seems to think the sense is 'disclosed the conspiracy so as to bring out the truth'. But *aperire aliquid ad veritatem* is impossible Latin. The ablative *veritate* is instrumental, like the other two, and like them denotes something personal to Cicero.

5 *audisse:* as to the contracted form see Appendix B.

6 *nondum:* cf. §§ 80, 85.

7 *ad purgandum me:* the position of *me* (which would more naturally have come before *purgandum*) is chosen for the sake of emphasis.

8 *non adfuerim:* see crit. n. Halm goes too far when he asserts that

while the Latins say *adesse, non adesse, deesse alicui,* they do not say *abesse alicui.* He does not deny that *abesse, where it has no dative dependent on it,* may be used as the opposite of the technical term *adesse,* to appear in court in defence of an accused person. We find this sense of *abesse* in § 7, l. 27; also Acad. 2, 36 *facile etiam absentibus nobis veritas se ipsa defendet.* I cannot feel Halm's difficulty about the dative, for (1) the expression *aliquid abest alicui* for *deest* is not uncommon; (2) the dative is really the *dativus commodi;* the fact therefore that it occurs nowhere else with *abesse* used in this sense is unimportant, since this kind of dative occurs in isolated instances with many verbs, e.g. with *absolvo* and *condemno* in Verr. 2, 22 *hunc hominem Veneri absolvit, sibi condemnat;* (3) in the technical sense of failing to support a person in a law-court, *deesse alicui* is also rare; cf. § 7, l. 22.

§ 15.

10 *disturbare:* this is stronger than the English 'disturb'; it signifies literally to pull a thing to pieces by means of a tumult; here translate 'to abolish'. For the facts here mentioned see Introd. § 9.

11 *conflato:* n. on 13, l. 18. Observe the position of *voluit.*

gladiatorum: these were kept in training schools (*ludi*) by the trainers (*lanistae*) who were ready to let them out for hire to the ringleaders of riots.

fugitivorum := δραπετῶν, runaway slaves.

Hexameter *deinde id quod vidimus omnes:* this may be scanned as the conclusion of a hexameter verse. Fragments of verses like this may be found here and there in the prose writings of Cicero, but he avoided complete verses, which were thought very objectionable. Nearly all those which modern commentators are fond of pointing out can only be scanned by neglecting the pauses; no ancient reader would therefore have recognised them as verses. On this subject see my n. on Acad. 1, 30; also on Cato m. § 2.

12 *lapidatione:* the word *conflata* must not be repeated with the word.

concursatione: 'rioting'; as in 66, l. 17: MSS *concursu,* for which see critical note.

Alliterat. 13 *si sibi suus:* the Latins do not seem to have objected so much to the repetition of the sound *s* as did the Greeks. For the concurrence of the pronouns cf. n. on 27, l. 26.

Conditional *si...prodesset...requisivit:* 'he asked for no aid, if his own self-respect and personal character were likely (i.e. at the time when he thought about the matter) to be of no avail'. *Requisivit* here expresses much more emphatically than the conditional *requireret* could have done, the fact that Sulla was determined to decline such aid as Autronius had sought. This form of the conditional sentence is quite common in Eng. Cf. § 6, l. 17 *est, si defendas.*

14 *ille damnatus* etc.: the context here should be closely compared with § 66.

15 *consiliis* etc.: these are ablatives of respect; see Kennedy § 149; Roby § 1210 (who calls them 'ablatives of the part concerned').

aspectu: so in 66, l. 17. *Aspectu atque voltu*='appearance and expression'.

16 *inimicus...infestus...hostis:* 'unfriendly to the highest classes, hostile to all well-affected persons, the declared foe of his native land'. We have no single word in English which will give the force of *hostis* here; it implies that Autronius was really waging war against his country.

amplissimis ordinibus: no doubt an allusion to the three classes, senators, equites, tribuni aerarii, from whom juries were at this time drawn.

17 *fractum calamitate:* so Phil. 2, 37 *frangerer animo;* Att. 12, 21, 5 *afflicti et fracti animi.*

calamitate: this word is specially applied (like συμφορὰ in Greek, particularly in the orators) to convictions which brought with them partial or total loss of civil rights. Cf. e.g. Balb. 54 *eius modi praemium quod nemo adsequi posset sine senatoris calamitate* (without procuring the condemnation of a senator); also above, 1, l. 2; below, 36, p. 48, l. 3; 38, l. 21; 62, p. 57, l. 9; 64, p. 57, l. 28; 66, l. 20; 88, p. 66, l. 33 (*unius iudici calamitate*); 89, l. 18; 91, p. 68, l. 5.

19 *modestia:* n. on 1, l. 3.

§ 16.

hac coniuratione: so above, 14, l. 30 n.

20 *quid tam coniunctum* etc.: 'what connexion so close as his with Catiline?' There is a slight ellipse, common in Latin, but foreign to English; the full expression would be *quid tam coniunctum cum alio (alia re) quam.* For a similar ellipse cf. § 18, l. 6 *dissimilem,* with n. The omission of *est* is common in short emphatic questions and statements: examples are given in my n. on Lael. 14.

21 *cum Lentulo:* see Introd. § 18.

societas...sceleris: cf. Cat. 1, 8 *sceleris socios. Scelus* here is crime in the abstract, 'criminality', not any particular crime. Note that with *socius* or *societas* the *object* of the alliance is regularly expressed by the genitive. In pro domo 30 *gravissimus auctor ad instituendam, fidelissimus socius ad comparandam, fortissimus adiutor ad rem perficiendam* the construction of *socius* is influenced by that of *auctor* and *adiutor.* So with *foedus* and *pactio* the *object* of the agreement is regularly denoted by the genitive.

22 *libidinis:* here='lawlessness', the opposite of *modestia* above. In Caec. 76 there is an elaborate contrast between *ius* and *libido.* So below, 58, l. 28; but in 25, l. 33 and 78, l. 28 and 79, l. 6 the sense is 'caprice'.

22 *audaciae:* almost always used by the best writers in a bad sense, that of *recklessness.* The few exceptions nearly all occur in historical descriptions of battles, almost the only scenes where recklessness may sometimes extort admiration. The word is extraordinarily common in Cicero's speeches; cf. below, 30, l. 22; 78, p. 62, l. 32.

23 *flagitium:* 'scandalous conduct'. This word always looks to the effect crime has in causing public detestation. The root of the word is probably the same as that of *flag-rare;* the metaphor in *flagitium* may therefore be compared with those in the phrases '*ardere invidia*', and '*ambustus*' used of one who has only just escaped in a criminal trial. Cf. *flag-itare,* § 35, l. 28.

24 *cum interim Sulla cum:* the repetition of *cum,* which seems harsh to us, was never avoided by Cic. and the best writers. Cf. e.g. above, 6, l. 10; below, 36, l. 31; Arch. 6; Balb. 1; Lael. 4; Fin. 2, 68 *cum tuis cum;* De Div. 1, 8; Fam. 9, 6, 3 *cum videremus cum;* Liv. 4, 39, 8. Nor do the Latins seem to have felt the awkwardness of placing the *conjunction cum* immediately before an ablative; cf. Liv. 4, 55, 1. The spelling *quum* for *cum* is wholly without justification; see Appendix B.

25 *noctem* · for the nocturnal meetings of the conspirators see § 52 and Introd. § 18.

26 *ne mediocriter quidem:* 'not even slightly'. *Mediocriter* furnishes only indirectly a contrast to *noctem solitudinemque;* it is implied that the conversation and friendship of those who hold secret nocturnal meetings would be intimate and extensive. For the reading *mediocriter* see crit. n.

§ 17.

27 *Allobroges:* for the part which these ambassadors played in the detection of Catiline's conspiracy see Introd. § 19.

28 *indices:* see above, n. on 14, p. 40, l. 1.

litterae ac nuntii: so in 14, p. 40, l. 1. Sallust, Cat. 29, 30, speaks of the numerous letters and messages brought from all parts of Italy about Catiline's intrigues. There may be some reference to the letters captured at the Mulvian bridge; see Cat. 3, 6; Introd. § 19.

30 *eiecto sive emisso:* 'whether expelled or let loose'. So Cic. Cat. 2, 1 *Catilinam vel eiecimus vel emisimus vel ipsum egredientem verbis prosecuti sumus.* For the charge made against Cic. that he had driven Catiline into exile see Cat. II. 12, 14, 15. The omission of the first *sive* when the alternatives are clearly and sharply contrasted as here, is rare in Cic. but became common in prose after Livy, and is a distinctive feature in the prose of Tacitus.

31 *fascis signa:* cf. Cat. 2, 13 *cum arma, cum securis, cum fascis, cum tubas, cum signa militaria scirem esse praemissa* (where however Cic.

speaks of preparations made by Catiline himself before he left Rome); Sall. Cat. 36 *sed ipse* (*Catilina*) *cum fascibus atque aliis imperi insignibus in castra ad Manlium contendit;* cf. too Cic. Cat. 1, 24 and 2, 13. It seems to be nowhere else stated that Catiline received arms from Rome after his departure.

32 *foris:* in Etruria, where Catiline's forces were; cf. 53, p. 54, l. 2 *cum Autronio ut occuparet Etruriam praescriberetur.*

Lentuli poena: Introd. § 19.

33 *aliquando:* 'at last'. Richter wrongly takes it to be for *non numquam*, in opposition to *numquam*. To make Cic. say that Autronius 'occasionally' fell into a panic, is foreign to the context.

sanitatem: not exactly 'sanity' in the English sense, but 'wholesome courses', soundness of thought and action; so below, 83, p. 64, l. 32.

P. 41.

1 *eo tempore omni:* the ablative used for *duration* of time; rare in the best writers but common after Livy; cf. § 55, l. 28, below. It is only the addition of *omni* which here gives the idea of duration; so *tota* in Caes. B. G. 1, 26 *eaque tota nocte continenter ierunt.* If in these passages the words *tota* and *omni* were omitted the ablatives would merely denote the time without any regard to its duration.? For *omni* might have been expected *toto*, here and in 55, l. 28; 8, p. 38, l. 3.

Neapoli: the Scholiast remarks that at this time exile was *not* one of the punishments for bribery (see Introd. § 27); Sulla was therefore at Naples of his own free will. Before Naples received the Roman franchise, it enjoyed by treaty with Rome the *ius exsilii*, and was a favourite resort of Roman exiles. When it became a Roman *municipium* this state of things ceased; if Sulla had really been exiled therefore he would not have sought a refuge at Naples. Massilia was the common haven for the condemned during the later Republic; see e.g. Cat. 2, 14.

2 *adfines:* this word occurs as adjective often in Cic., sometimes with the genitive as here, and Verr. 2, 94 *rei capitalis adfinem;* sometimes with the dative, as below, 70, l. 21, where see n. For Sulla's stay at Naples cf. 53, p. 54, l. 8 *fuit in ea parte Italiae quae maxime ista suspicione caruit.*

3 *locus ipse...accommodatus:* the city was a place for ease and luxurious idling.

calamitosorum: n. on 15, l. 17 *calamitate.*

§ 18.

5 *hanc tantam:* when joined with a demonstrative, *tantus* almost loses its relative?force and is little different in sense from *magnus*. There is in fact a slight ellipse; here *tantam=t. quanta est.* Translate 'this dissimilarity, great as it is'.

6 *caussarum:* cf. 15, l. 9 *quae fuit Autroni caussa, quae Sullae est?*

dissimilem...praebui: 'I behaved differently with regard to the two men'. Here we have a difference between Latin and English idiom. We cannot call a man *unlike* without expressing further what it is that he is unlike. But in Latin and in Greek too the matter with reference to which the likeness or unlikeness exists, is left to be understood. For a similar ellipse see above § 16, l. 20, with n. For *in utroque* cf. 20, l. 29 *in aliis vindicassem;* 3, l. 8 *in hoc officio,* etc.

Repetition of Verb.

veniebat et saepe veniebat: the repetition of the verb is very emphatic. Cf. Verr. 5, 121 *errabas, Verres, et vehementer errabas;* ib. 3, 152 *tenetur iudices et manifesto tenetur avaritia hominis;* Quint. 40 *petisses et petisses statim* (Klotz); also below, 64, p. 57, l. 30 *dicerem et facile et libenter dicerem;* 55, l. 21 *ut emat gladiatores et ut hos ipsos emat.*

8 *ut se defenderem:* this clause seems to depend, not on *veniebat* alone, but on the whole expression *veniebat...supplex,* which implies a request or entreaty. The clause with *ut* then follows as on *oro imploro* and the like.

condiscipulum: a rare word; it occurs here only in Cicero's speeches, but is rather more common in the philosophical works. It is not known under what teacher Cic. and Autronius studied together.

10 *quaestura:* Cic. was quaestor in 75 B.C.

Commemorate.

commemorabat: 'he recounted'. *Commemorare* and *commemoratio* (37, l. 15) in Cic. are distinctly words of *speaking,* not of *remembering;* see my n. on Arch. § 29.

11 *proferebat:* 'he instanced'. *Proferre* is a regular word in Cic. for 'quoting examples'; see Lexica, and cf. below, 25, p. 44, l. 6.

12 *flectebar...frangebar:* 'I was so bent and broken from my purpose'. Note the *coniunctio,* for which see above, n. on 12, l. 11.

ut iam...ut iam: these two clauses are quite parallel: the second is not dependent on the first.

13 *mihi ipsi:* 'me personally'; i.e. apart from his general plotting against the whole state.

immissum esse ab eo: Autronius was not the sole deviser of the scheme to assassinate Cicero; it was determined on at the nocturnal meetings of the Catilinarians which Autronius attended. See Introd. § 18. Nor was Cornelius the only would-be assassin: he is here mentioned alone because of his connexion with the case of Sulla, for which see §§ 51, 52, and Introd. § 18. For *immittere* of assassination, cf. Tac. Ann. 3, 16 *nec illum sponte exstinctum, sed immisso percussore.*

Sedes

14 *sedibus:* the plural is not uncommonly thus used by Cic. in the sense of 'home', 'domicile'; cf. Verr. 3, 128 *ut illa aratorum multitudo in suis agris ac sedibus collocetur.* The correction *aedibus* is unnecessary.

15 *trucidaret, obliviscerer:* for the concurrence of these two verbs cf. 32, l. 16 *necaretur, necavit.*

§ 19.

16 *qua...sum:* Roby § 1715.

18 *sed cum* etc.: the whole protasis down to *coeperat* is most symmetrically constructed. The first six clauses fall into three pairs, which exactly correspond to each other; these six clauses constitute the first half of the protasis; the second half *et cum illae...coeperat*, echoes the first, but with some artful variations. Richter insists on taking *patriae* as dependent on *periculorum;* if so it is almost impossible to avoid making all the other genitives dependent on it, and thus the sentence entirely loses its grace.

19 *illorum delubrorum atque templorum: illorum* is used δεικτικῶς: the speaker points to them. *Delubrum* differs from *templum* in that the latter is not necessarily dedicated to any particular divinity, nor is it necessarily covered with any sacred building or shrine.

20 *puerorum:* here, like *liberi*, includes children of both sexes.

21 *veniebat in mentem:* Halm notes that in Cic. the phrases *venit, veniebat in mentem* etc., take the so-called *impersonal* constructions only, except in the case of *neuter* pronouns and adjectives and the word *res*, which may stand as subjects to the verb. But H. narrows the usage too much when he says that, failing words belonging to the class just mentioned, the person or thing remembered must be placed in the genitive, as in the present passage and 38, l. 23. *Clauses* of different kinds may take the place of subjects to the verb, as in Planc. 2 *mihi venit in mentem admirandum esse M. Laterensem;* div. Caec. 27 *in mentem tibi non venit quid negoti sit?* Sex. Rosc. 105 *qui eo venit in mentem praedia concupiscere?* Further, exceptions to the rules just stated *do* occasionally occur, even in Cic. as in Caec. 40 *ut vos iudicetis huius rei ius atque actionem in mentem maioribus nostris non venisse;* also Har. resp. 55. Exceptions are commoner in Terence, Livy, Quintilian and later writers. It is worth observing that the Latins always said *in mentem venire*, not *in animum venire*, in these uses.

infestae ac funestae: the jingle is evidently intentional, and is of a kind common in Cicero. Cf. e. g. Tusc. 3, 64 *pueros magistri castigare solent nec solum verbis, sed etiam verberibus*; see Kühner's n. on the passage. Somewhat similar is *ignoratio...purgatio* in 39, p. 49, l. 8; cf. also n. on 12, l. 14.

23 *cinis patriae:* cf. Cat. 4, 12 *in cinere deflagrati imperi;* ib. 2, 19 *in cinere urbis et in sanguine civium;* Verg. Aen. 10, 59 has the expression *cineres patriae.*

24 *animum memoria refricare:* the word *refricare* (almost peculiar to Cicero) is commonly used of roughly handling a wound (whether literal or metaphorical); so here Cic. represents his mind as being in a *wounded*

state. For the construction cf. De Or. 2, 199 *eorum dolorem qui lugebant suos, oratione refricabam ;* Flac. 54 *cum illud volnus dicendo refricuisset.* The metaphors in *cinis patriae animum refricare coeperat* are not very harmonious, but although *cinis* formally is the subject to *coeperat*, yet actually all the substantives preceding would be felt by a hearer or reader to be subjects as well, and the whole would be taken as forming one extended and much vaguer subject. Cicero regularly uses the *singular* verb if the nearest subject be singular.

25 *ei...illi:* when *is* and *ille* refer in the same sentence to the same person, *ille* is used to secure vividness or emphasis, or contrast. Cf. Lael. 59 *non est igitur amici talem esse in eum qualis ille in se est*, where see my note. There is often in Greek an exactly similar relation between αὐτὸς and ἐκεῖνος referring to the same person. A rarer usage is the reference of *hic* and *ille* to the same person, of which an example will be found in Cato m. 60, where see my n.

hosti ac parricidae: cf. Sall. Cat. 31, 8 *Catilinae obstrepere omnes, hostem atque parricidam vocare:* so ib. 51, 25 Catiline and his crew are called *parricidae rei publicae ;* cf. too Phil. 2, 17 *cum homines nefarii de patriae parricidio confiterentur ;* also above, n. on 6, l. 19. *Parricidae* here may be rendered 'traitor' or 'assassin'.

26 *his:* they were present in court, as *advocati* of Sulla. See below, l. 31.

Marcellis: probably descendants of the conqueror of Syracuse. The father was praetor in 79 B. C. and afterwards governed Sicily; he is mentioned as one of the jury which tried Verres. The son rose to be consul in 50, and took the side of Pompeius in the civil war. Some correspondence of Cic. with them is preserved in Fam. 15, 7—11.

patri et filio: see critical note.

quorum...obtinebat: 'for one of whom I felt reverence as for a father, for the other tenderness as for a son'.

30 *cum scirem:* these words are intended to point afresh the contrast between the case of Autronius and that of Sulla, about whose criminality Cic. declares he knows nothing. Cf. 86, l. 8 *nullum a me sciente facinus occultari.*

§ 20.

atque idem ego: 'and yet I'; literally 'and I, though the same man'. *Idem* here points a contrast; *etiam* would have conveyed a quite different sense. Cf. n. on 34, p. 47, l. 5.

31 *pro:* not 'on account of', 'because of', but 'from regard for'. *Pro* does not indicate that the dangers *caused* the tears, but that the tears were evidence of the men's desire to *ward off* the dangers; so below, § 84, l. 20 *meum caput obtuli pro patriae periculis.*

periculis: particularly used of dangers threatened by criminal trials.

See above, §. 13, l. 21; below § 49, l. 17; § 71, p. 60, l. 5; 79, l. 8, also my n. on Arch. 13.

32 *lacrimantis:* from *lacrimo* not *lacrimor*. The deponent verb does not occur till the times of late Latin, the fourth century or so; for Verr. 5, 121 where many editions once gave *lacrimaretur* is now corrected. (Halm's note on the passage is misleading; he says that the deponent is not found *in prose*.) In N. D. 3, 82 our texts still give *illacrimari* as a deponent, but it should undoubtedly be corrected to *illacrimare*. *Collacrimari* (dep.) is found only once, in the pseudo-Ciceronian *Consolatio*.

Messallae: consul in 61 B.C. He was an orator of note (see Brut. 246) and had been associated with Cicero, both in politics and in forensic affairs. Cf. Att. 1, 14, 6 *Messalla consul est egregius fortis constans diligens, nostri laudator amator imitator*.

33 *sustinere:* the metaphor is from holding in check an attack in battle, in which sense the word frequently occurs in the historical writers.

P. 42.

1 *naturae:* sc. *meae;* cf. 8, p. 37, l. 31 *me natura misericordem esse voluit*.

nec...repugnavit: this clause does little more than echo the preceding.

res: sc. *hominis*, 'his circumstances'. Halm well quotes Ad Herennium 1 § 9 *si caussa turpitudinem habet, exordiri poterimus his rationibus: rem non hominem aut hominem non rem spectari oportere;* add Att. 14, 15 *hominum vitia collegi, non rerum*.

2 *nusquam nomen* etc.: see nn. on § 14.

3 *nullum crimen, nullum indicium: crimen* is the charge as formulated by the prosecutor; *indicium* the information on which the charge is based. Cf. Vat. 25 *eodem indicio et crimine*.

suscepi...suscepi: for the repetition (called by Greek grammarians ἐπάνοδος) cf. 46, l. 12; for the context § 92.

4 *feci libenter ut:* cf. the phrase *invitus facio ut;* Roby § 1700; also my n. on Lael. § 4, and below, § 69, l. 8.

boni: see n. on 1, l. 10.

5 *constantem:* 'firm'; = *severum* in 8, p. 37, l. 32.

6 *crudelem:* cf. 8, p. 37, l. 32.

§ 21.

7 *hic:* 'at this point'.

regnum: 'tyranny'. This was a reproach Cicero often had to bear during and after his consulship. Cf. Att. 1, 16, 10 *quousque, inquit [Clodius], hunc regem feremus?* Cat. 1, 30 *si in hunc [Catilinam] ani-*

madvertissem, crudeliter et regie factum esse dicerent; Vat. 23 *tu qui nos, qui de communi salute consentimus tyrannos vocas.* Also below § 47, p. 52, l. 7.

8 *consulatus:* explanatory or definitive genitive; see n. on § 6, l. 17 *levitatis.* English idiom requires that the word should be rendered by a nominative: 'what tyranny? My consulship I suppose'.

9 *in quo:* see n. on § 54, l. 13; also on 31, l. 25.

imperavi nihil: Cic. while exalting his own merits as consul was at all times anxious to represent his own responsibility for what was done as entirely covered by the authority of the senate. Cf. above, § 9.

et contra

et contra: Cic. often uses *et* in the place of an adversative conjunction, generally after a negative clause, as here (see my n. on Lael. 30 *suaque*); but occasionally also for *et tamen* after a positive clause. So too with *que* and *ac* (36, p. 48, l. 2).

Videlicet / *Scilicet*

11 *videlicet:* 'clearly', 'evidently'. The student should carefully distinguish between the uses of *videlicet* and *scilicet;* the former is an intensitive or confirmative particle, the latter explanatory or ironical. In 39, p. 48, l. 33 *videlicet* has not the ironical sense which Richter attributes to it.

12 *imperio...potestate:* all political offices at Rome might be described by the term *potestas*, but only a few (consulship, praetorship, dictatorship, or their equivalents) could in strictness be called *imperia.* The word *imperium* always implies power to command an army. It is occasionally applied by Cic. and others, but incorrectly, to the censorship.

non dicis...dicis: the repetition of the verb is necessary when the negative precedes; if the order had been *dicis...non dicis, item* might have taken the place of the second *dicis;* see n. on 3, l. 11.

Nomen

13 *quo nomine:=qua de causa,* as Richter says, quoting Q. Rosc. 40 *an alio nomine et alia de causa abstulisse? Nomen* primarily indicates a heading in an account-book; so *quo nomine*='under what heading'. Cf. 81, p. 63, l. 24 *uno nomine.*

? local abl., or instr.

Omission of Antecedent

14 *quod...iri:* the answer is of course entirely feigned by Cicero.

in quos: for the omission of the antecedent, which is here awkward, see n. on 4, l. 24. For the historical circumstances, cf. Introd. § 21.

16 *dixerim:* Cic. here practically applies the rules of *oratio obliqua* to his own speech, hence the subjunctive.

§ 22.

18 *tantum:* '*only* so much'. This restrictive use of *tantum* is common in Cic.; see below, 43, l. 18; 62, p. 57, l. 8; 71, p. 59, l. 33; 82, l. 25. So *tam* in 87, l. 18.

Opes / *Potentia*

19 *opes...potentiam:* the former of the two words has the wider sense; the latter implies *personal influence* over individuals; the former includes

the use of every resource which wealth or position brings with it. Cf. Phil. 1, 29 *non opes violentas et populo Romano minime ferendam potentiam concupisse;* Off. 1, 86.

20 *fidem defensionis:* 'my loyalty in his defence'; the same expression in Cluent. §§ 10, 118.

caussam recepisses: but above, 20, p. 42, l. 3 *suscepi caussam;* also 34, l. 7. Cf. De Or. 2, 101 *magna offensio vel neglegentiae susceptis rebus, vel perfidiae receptis*, where see Prof. Wilkins' note. Whatever action a man enters on he may be said *suscipere;* if in entering on it he binds himself to other persons, so that by abandoning it he would be disgraced, he may be said *recipere.*

21 *indicta:* the only part of the verb with which *in* is thus usually compounded is the passive participle. Cf. ἀνομολογούμενος and the like.

22 *profugisset:* i.e. he would have gone into exile without standing his trial; the opportunity for this was always allowed to the culprit.

si iam: 'if, for the moment', 'if for the sake of argument'. This use of *iam* is worth noting. Many exx. are collected by Munro on Lucr. 1, 968, Madvig on Fin. 4, 66, Kühner on Tusc. 1, 50.

23 *stare iudicio:* the ablative is really one of place 'take their stand on their own judgment'.

24 *dem: dare* in the logical sense=*concedere* 'to make an admission' is common in Cic.; e.g. Acad. 2, 68 *sin quod tu mihi das, accepero* and below, 63, l. 17.

26 *non resistunt:* i.e. *indicta causa profugiunt.*

27 *calamitosos:* n. on 15, l. 17.

id quod...voluisti: so of Antonius in Phil. 2, 20 *at etiam quodam loco facetus esse voluisti. Quam id te, di boni, non decebat!*

28 *minime:* the position of this word *after necesse* should be noticed: it rarely *follows* the word which it qualifies.

facetus esse voluisti: 'you were pleased to be funny'.

Tarquinium et Numam: the order in which the names are mentioned is not what might have been expected.

30 *mitto quaerere:* for the infinitive used as object to the verb see Roby § 1344, and for *mitto=omitto* § 75, l. 20.

de rege: the word *rege* would in English be placed between inverted commas:=your expression "king".

illud quaero: Cic. is fond of placing two clauses in direct contrast side by side, without marking the contrast by an adversative particle. For this usage (sometimes called by grammarians *adversative asyndeton*) cf. Roby, § 1027; also my nn. on Lael. 5 and Cato m. 3, where a number of examples are given from those works. Also above § 1, l. 12; § 27, l. 23; § 28, p. 45, l. 1; § 31, p. 45, l. 26; § 38, ll. 20, 22; § 44, p. 50, l. 28; § 51, l. 8; § 62, p. 57, l. 10; § 80, l. 18.

30 *peregrinum:* the word gains in emphasis by being placed at the beginning of the clause.

31 *ita:* here=*talis*, as often in Cic.

33 *consulem peregrinum:* a grotesque idea to a Roman.

§ 23, P. 43.

1 *municipio:* at this time the word had come to mean an Italian town which had received the full Roman franchise. At an earlier time the term *municipes* was applied to those who (like the inhabitants of Caere) possessed the private rights of Roman citizens (*ius conubii, ius commercii* etc.) but not the public rights (*ius suffragii, ius honorum*). Cicero's native town, Arpinum, acquired the imperfect franchise in 302 B.C. and had enjoyed the full *civitas* since 188.

2 *unde iterum:* Cic. is very fond of comparing his own services to the state with those of his fellow-townsman Marius, who is the only demagogue of whom he ever speaks well. In Leg. 2, 6 Cic. makes Atticus say '*recte igitur Magnus ille noster me audiente posuit in iudicio, cum pro Ampio tecum simul diceret, rem publicam nostram iustissimas huic municipio gratias agere posse, quod ex eo duo sui conservatores exstitissent*'; cf. also Sest. 50 *divinum illum virum atque ex isdem quibus nos radicibus natum ad salutem huius imperi.*

3 *pervelim:* sc. *si tu velis dicere*. For the omission of the protasis cf. n. on § 1, l. 1. *Pervelim* is, I think, the only compound of *per* with any part of *volo* which Cic. uses. Livy has *pervelle;* Curtius 10, 2, 17 has *pervelim;* I have not come across any part of *pervolo* in other authors. [The word is not in Neue's collections.] Plautus and Terence use *percupio*, Plautus *perlubet; pertaedet* is common; both this and *pervolo* were probably colloquial words. *Per* in the sense of 'exceedingly' is not commonly compounded with intransitive verbs, excepting inceptives, e.g. *perdolesco.*

5 *M. illi Catoni:* the position of *illi* in the middle of the name is quite usual; cf. e.g. Arch. 6 *Q. Metello illi Numidico* (where see my note); similarly in Vell. 2, 16, 3 *cuius illi pietati* (ed. Halm); also below, § 34, l. 8 *L. ille Torquatus.* For Cato's enmities see my edition of *Cato maior*, p. 20; Plin. N. H. 7, 100 says of Cato (*eum*) *quater et quadragies causam dixisse* (was put on his defence) *nec quemquam saepius postulatum et semper absolutum.*

6 *Ti. Coruncanio:* noted as the first plebeian who became *pontifex maximus.* Cic. Planc. 20 makes him a native of Tusculum, but in a speech of the Emperor Claudius (a noted antiquary) founded by Tacitus (Ann. 11, 24) on a speech actually delivered and still in great part preserved in an inscription, Coruncanius is said to have belonged to Camerium.

M' Curio: M' Curius Dentatus, consul in 290, 275 and 274, when he conducted campaigns against the Samnites; commanded against

Pyrrhus also; enjoyed three triumphs. The place of his birth is unknown. Curius and Coruncanius and Fabricius are often mentioned together by Cic. as types of the rustic sturdy simple Roman character of early times; see Lael. 18; Cato m. §§ 15, 43.

7 *cum...invideret:* cf. Prov. Cons. 19 *quis plenior inimicorum fuit Mario?* The bitterness of the nobility against Marius when, though *novus homo*, he was candidate for the consulship, is often depicted in Sallust, Iug. e.g. c. 84.

11 *a me monendum:* an exception to the rule that the dative follows on the gerund or gerundive to express the agent. Exceptions are very rare outside of Cicero's writings, in which a considerable number occur. Cf. Roby § 1147. Madvig on Fin. 2, 30 quotes an example from Livy and another from Seneca the younger; of nearly all other writers whether of an early or a late date, it can be definitely said that they avoided the usage. There is an instance in a letter of Brutus ap. Cic. Fam. 11, 20, 3. It may be noted about the instances in Cic. (1) that they are vastly commoner in the speeches and letters than in the oratorical and philosophical works, (2) that in most of the passages the agent is denoted by one or other of the personal pronouns; thus Fin. 2, 30 *oratio videtur non a philosopho sed a censore opprimenda* is rather unusual, (3) that in by far the larger number of passages the excuses made by grammarians (as by Roby § 1147) do not hold good.

pro magnis etc: 'as the important interests of our friendship demand'. *Pro magnis caussis nostrae necessitudinis* is here little more than *pro nostra magna consuetudine*. For a similar periphrastic expression cf. Liv. 6, 25, 9 *suorum usuum causae*, literally 'the motives or reasons supplied by their own advantage'; and above, n. on 9, l. 8. See also my n. on Acad. 1, 6 *caussas rerum efficientium*. On Cicero's friendship with Torquatus see Introd. § 22 and below, § 34.

13 *si verum quaeris:* 'if you ask my candid opinion'. This parenthetic expression, as well as the shorter form *si quaeris*, is commonly found in Cicero. For the two forms cf. *esto* ('be it so') and *verum esto*, both equally common.

ne curant quidem: the few offices (such as that of flamen Dialis) which were still confined to patricians were so burdensome that the revived patriciate had to be bribed by Augustus to take them. Not more than twelve patrician families survived at the end of the Republican period.

se.. anteiri: 'that they are your inferiors'.

§ 24.

16 *inveteravit:* 'has become familiar'. *Inveterasco* is more often used of bad than of good things. cf. 60 l16; 81 l 4

17 *quam:* goes with *necesse erit.*

17 *competitores tuos:* probably for the quaestorship. Torquatus had certainly not at this time held political office. The function of prosecuting was confined as a rule to young men who had their reputation to win.

18 *iam:* since the passing of the *lex Iulia* in 89 B.C.

Italia: at this time Italy, as officially recognised, only extended as far north as the Aesis on the W. and the Rubico on the E.

delecti: i.e. the men of the highest rank in the various *municipia.*

honore...dignitate: see n. on § 12, l. 5.

19 *cave appelles:* cf. Kennedy § 92; Roby § 1606.

20 *peregrinorum:* i.e. those whom Torquatus called foreigners, the Roman citizens of the *municipia.*

21 *qui:* referring not to the last noun *peregrinorum* but to the leading subject of the preceding sentence, viz. *competitores.*

attulerint: sc. *ad petitionem:* 'bring to the contest'.

nervos: a favourite word with Cic. for 'strength', 'vigour'.

excutient: so (*in re simili*) Mur. 30 *omnia ista nobis studia de manibus excutiuntur.* Cf. 47, l. 24 *excussos.*

22 *iactationem:* Cic. uses this form, not that so common in Tacitus, *iactantia.* So *ignoratio* (below § 39, p. 49, l. 8), not *ignorantia;* see my n. on Acad. 1, 45.

ex somno excitabunt: the metaphor is common; e.g. Phil. 2, 68 *perterritum te de somno excitari;* ib. 30 *quae excitent tantae caussae indormientem.*

abs. 23 *abs te:* the form *abs* hardly ever occurs unless before a word beginning with *t* (unless in compound verbs) and in ordinary Latin only in the expression *abs te. Abs quivis* in Ter. Ad. 2, 3, 1 is a rare exception.

§ 25.

24 *me et vos:* Cic. artfully contrives to set the jury against Torquatus by implying that he cast on them also the slur of foreign birth.

25 *sileretur:* the editors explain this as equivalent to *sileri debebat.* But the subjunctive in Latin has no such force. Subjunctives of this class (styled by many grammarians as 'jussive' subjunctives) are merely parts of elliptic conditional propositions. Here *sileretur* is not the true apodosis to the protasis *si...oporteret*, but is rather the apodosis to a suppressed protasis such as '*si caperet*'. So with Vergil's famous words '*at tu dictis, Albane, maneres*'. The fact that *ne* occurs with some of these subjunctives has led some scholars to regard them as conveying commands or prohibitions put into past tenses because the circumstances to which they might have applied are past. (So Roby § 1604.) But a past imperative is an inconceivable thing, and the *ne* in passages like Att. 2, 1, 3 *ne poposcisses* is merely equivalent to *non*, as *ne* often was ×

Subjunctive wrongly called jussive.

× Perhaps R.'s view is supported by non haberent, Balb. 21 & 15. I don't think that only, expresso the intention of the law, as R. there says, for that wd. surely make it a final clause, which we wd. be required. The subj. must be conditional, the sin clause just before it being the protasis, the imperf. subj. ref. to present time, Cicero's meaning being

in early Latin. It is worth observing that whatever explanation may be given of the subjunctives here discussed, the same must equally apply to the imperfect subjunctive which regularly takes the place in *oratio obliqua* of an imperative in *oratio recta*. For suppressed protasis cf. n. on 1, l. 1.

26 *a materno genere:* a slight extension of the common use of *a* in the phrases *a patre* 'on the father's side'; *a matre* 'on the mother's side'.

27 *Asculani:* of *Asculum* in Picenum,

28 *gaudeat* etc.: no doubt Cic. here alludes to the fact that Arpinum received the Roman franchise a century earlier than Asculum.

29 *neque...dixeris...neque:* the use of *neque...neque* for *neve...neve* is far from uncommon; cf. Roby § 1602.

30 *gravius:* to be taken with *derideare*, as well as with *refutere*.

refutere: this verb has not exactly the sense of our English 'refute', but means rather to prove a thing or person to be empty or worthless. The root is *ghu*, in Latin *fu* (in *futilis* etc.), in Greek χυ-. The simple verb *-futare* would therefore originally mean to empty out, or pour away.

31 *nisi forte regium:* this passage smacks strongly of the Stoic paradoxes, one of which was to the effect that the perfectly wise man is the only king, in the true sense of the word. This particular paradox is nowhere developed at length by Cicero, but in his '*Paradoxa*' will be found many expressions resembling those in the text. Cf. Hor. Od. 2, 2, 9 *latius regnes avidum domando Spiritum quam si Libyam remotis Gadibus iungas et uterque Poenus Serviat uni.*

32 *homini nemini:* Richter says Cic. *often* uses this expression; as a matter of fact he *always* says *nemo homo* not *nullus homo*, except in one doubtful passage. He regularly uses *nemo* with all nouns denoting persons, e.g. *nemo civis, nemo sapiens*, also *nemo alius*, not *nullus alius*.

33 *contemnere:* 'to make light of'. The word is not so strong as *spernere* or our 'despise'; it is the Greek ὀλιγωρεῖσθαι 'to hold in low esteem', not καταφρονεῖν.

P. 44.

1 *sentire:=sententiam dicere;* so in 82, l. 19.

libere: 'with freedom of speech'=μετὰ παρρησίας; so in Tacitus *libertas* constantly has the sense of παρρησία.

populi...voluntati: cf. Lael. 93 *animus qui ad alterius voluntatem convertitur.*

4 *dominatio:* 'tyranny'. This word is the commonest representative in Latin of the Greek τυραννίς.

5 *dictum...superbum:* 'conceited or overbearing utterance'. Note that *dictum* is never quite the same as *verbum*, but implies some utterance with a strongly-marked character either for good or evil; often it has the sense of 'witticism'.

6 *profers:* n. on 18, l. 11.

verbi...maledicti: 'an odious epithet and an insulting vilification'; literally 'the odium of an epithet', etc. Cf. Cat. 3, 3 *eiciebam—non enim vereor huius verbi invidiam* (so often '*absit invidia verbo*'); Phil. 13, 4 *contumelias minasque verborum;* Cael. 6 *maledictio nihil habet propositi praeter contumeliam;* Pis. 31 *ausus es meum discessum in maledicti et contumeliae loco ponere;* Cat. 1, 16 *vocis contumeliam.*

§ 26.

7 *ego...a me...mihi:* notice the emphatic repetitions and cf. 13, l. 20.

beneficiis...positis: when the benefit is conferred on a *person* Cic. generally says *beneficium ponere apud aliquem;* or without regard to the verb, *beneficium in aliquem* (cf. below, 27, l. 30). The construction here may be compared with the expressions *ponere curam* or *diligentiam in aliqua re* (De Div. 1, 93; Mur. 45). Trans. 'after the great services I have bestowed upon the country'.

8 *mihi:* 'for myself', in contrast to *re publica.*

9 *honestum otium:* the equivalent of *otium cum dignitate* (Sest. 98).

sibi haberent: nothing is gained by labelling this subjunctive (with Halm and Richter) as 'permissive'. It is purely conditional, its protasis being suppressed ('they would thus keep to themselves', i.e. if they acted as I wish). For the ellipse of the protasis, see n. above, 25, l. 24, and n. on 1, l. 1. For the form of the whole passage cf. Cato m. 58 *sibi habeant igitur arma, sibi equos, sibi hastas, sibi clavam et pilam, sibi venationes atque cursus; nobis senibus ex lusionibus multis talos relinquant;* Flacc. 104 *sibi habeant potentiam, sibi honores, sibi ceterorum commodorum summas facultates: liceat his qui haec salva esse voluerunt, ipsis esse salvis;* Sall. or. Macr. 18 *gerant habeantque suo modo imperia.* As to *sibi haberent* cf. the phrase used in divorce at Rome '*tuas res tibi habeto*'.

10 *honores...imperia: honores* is a *general* term for political offices; for *imperia* see n. on 21, l. 12.

alia...insignia: possibly a hint at Pompeius and the *toga picta* which he had the peculiar privilege to wear (Velleius II.).

11 *mihi liceret:* adversative asyndeton; see n. on 22, l. 30.

12 *tranquillo...quieto:* for the *coniunctio* see n. on 12, l. 11.

13 *si hoc* etc.: *si* is repeated here probably oftener than in any other single sentence in Latin. Nägelsbach, Stil. § 179, has excellently commented on the artificial structure of this sentence. The clauses at the beginning and end of the long protasis (*si hoc non postulo...si mihi ne*

etc.) closely correspond. Each has only one *si*; the idea of each is the same, viz. that Cic. longs in vain for *otium*. Then the clauses from *si ille labor* to *sunt omnibus* will be found to balance exactly those from *si voluntas* to *patent omnibus*; each of these two portions contains *si* five times repeated, the clauses being all positive. The passages *si...cura* and *si...labore* again closely resemble each other. The whole protasis therefore consists of six portions in three pairs; if we denote these pairs by *AA'*, *BB'*, *CC'*, they are arranged in this order *ABCC'B'A'*. We therefore have an elaborate form of the figure called *chiasmus*, by which in its ordinary and simpler form one pair of similar expressions is placed between the members of another pair of expressions. [See n. on 3, l. 11.] It is well worth the student's while to dissect for himself the other passages to which Nägelsbach refers, viz. Sest. 35 and 42; Mil. 67; De Or. 1, 58. Cf. also §§ 52, 53, below.

14 *pristinus:* 'from of old'. The epithet should also be understood with the succeeding nouns down to *vigiliae*. All these refer to Cicero's labours as advocate in the *forum*. In *ille labor meus deservit* we have *res pro persona=ego labore meo deservio*. Cf. 4, l. 27 n.

officia: for the word *officium* cf. n. on 2, l. 19.

operae: in the sense 'aid', 'assistance', Cic. uses *opera* in the singular. The plural here is not, as some editors say, for the sake of symmetry with *vigiliae*, but rather has regard to the number of different cases in which the assistance had been rendered. The plural in this sense is not uncommon: e.g. Fam. 16, 10, 2 *tu Musis nostris para ut operas reddas*; Verr. 2, 171 *Canuleius qui in portu Syracusis operas dabat*. Cf. below, 37, l. 16 *auctoritates*; § 70, l. 28 *societates cum indicibus*; 76, p. 62, l. 7 *turpitudines*. *voluntates*. 28 24

16 *requirunt studium meum:=carent studio meo;* i.e. seek for it without finding it.

studium meum: observe the *coniunctio*, for which see n. on 12, l. 11.

17 *rerum gestarum vacatio:* the genitive here expresses the *ground* on which the release is given; so Leg. 1, 10 and Nep. Att. 7, 1 *aetatis vacatio*; Cael. 30 *vacationem adulescentiae veniamque petere* (but ib. 43 *adulescentiae excusatio*).

18 *aetatis excusatio:* cf. such expressions as *excusatio legationis obeundae* (Phil. 9, 8); *aetatem excusare* 'to plead age as an excuse' (Liv. 22, 40, 6), *morbum e.* (Cic. Phil. 9, 8); *inopiam e.* (Caes. B. C. 3, 20, 3).

19 *animus...aures:* cf. 12, l. 16 *animo...auris*.

20 *recordanda et cogitanda:* Cic. no doubt alludes here to works which he had on hand relating to his consulship; a history of it in Greek which he dedicated to Atticus (Att. 1, 19, 10); another in Latin which was probably never finished (l. l.); a long poem in three books of which part is quoted in De Div. 1, cc. 11—14.

22 *vicarius:* 'substitute' or 'successor'. A rather favourite word with Cic., e.g. Caec. 57 *alieni iuris v.* One of the meanings of the word

(though not, as is often said, the *original* meaning) is 'a slave owned by a slave' (by permission of the master, as part of his *peculium*); see e.g. Verr. 3, 86.

§ 27.

23 *longe abest a me:* 'is very foreign to my character'.

si quaeris: for the omission of *sed* at the head of this clause, cf. n. on 22, l. 30.

24 *sint...conati:* for the separation of these words cf. n. on § 3, l. 13.

ut...invenies: the passage is really elliptic (after a very common fashion). The sense in full is 'in order that you may not have to rake up ancient history [I tell you this, viz.] you will find etc'. In other words the clause is dependent on a verb not expressed. Cf. 51, l. 11 n.; 60, l. 17 n.

Ut ne

ut ne replices: this clause is no doubt *final*, as is shewn in the preceding note. The syntax of *ut ne*, *ut non*, is difficult and still in need of discussion. The generally accepted rules are (*a*) *ut ne* is used only in *final* clauses; (*b*) *ut non* is used only in *consecutive* clauses. See Kennedy §§ 195, 205; Roby §§ 1636, 1650, 1696, 1704; Draeger, Hist. Syntax §§ 411, 542, 562; Madvig on Fin. 2, 15. Rule (*b*) is practically correct, but about rule (*a*) there are great difficulties. Where *ita* ..*ut ne* occurs the rule can only be applied by assuming a harsh ellipse, or by saying that *ita* implies *purpose;* or by some other such device; cf. Kenn. §§ 195, 205. After considerable investigation, I venture to think (1) that *ita* (from the same root as *is*) and *ut* (from the same root as *qui*) are related exactly as *is* and *qui* are, viz. as relative and antecedent; (2) that if clauses introduced by *qui*, followed by subjunctive, and preceded by *is*, are considered as *consecutive*, so must similar clauses introduced by *ut* followed by subjunctive, and preceded by *ita;* (3) that the introduction of *ne* does not alter the nature of such clauses; (4) that in all instances I have been able to find of *ita...ut ne* the writers conceived the *ut*-clauses as *consecutive* not as *final*. Further, in some passages where there is no *ita*, the clause with *ut ne* must be referred to the consecutive class. A full discussion of the matter would require too much space here; I reserve it for a forthcoming note on Fin. 2, 15.

replices: the metaphor is from unfolding a roll. The word in this use is rare; the only other instance in classical Latin seems to be Leg. 3, 31 *si velis replicare memoriam temporum;* cf. however Fin. 1, 72 *tempus in poetis evolvendis consumere.*

25 *memoriam:* this word often corresponds, as here, to our 'history' exactly; *annalium memoria* is 'history preserved in records'.

ex domesticis imaginibus: 'from your family tree'. The busts of ancestors who had held curule office stood in the *atrium* of the Roman noble's house. Each had a *titulus* declaring the honours of the man whom it represented; while woollen threads (*stemmata*) ran from bust to bust, shewing the relationships of the persons represented. Cic.

alludes here to M. Manlius Capitolinus, hero of the Gallic siege, the story of whose condemnation and execution is told by Livy 6, 14—20. In 6, 20, 4 Livy mentions the charge of attempting to set up a tyranny.

ex imaginibus: ex not uncommonly depends on *invenio* and *reperio* in Cic. The idea here is 'you will find by selection from', where we should rather say 'in'. So § 76, p. 62, l. 2 *ex portentis;* 82, l. 27 *ex illo gradu.*

res enim gestae credo: 'yes, I suppose my exploits...'. For the ironical *credo* cf. n. on 11, l. 33. *Enim* is elliptic as γάρ so often is in Greek, = 'but what you say is true, for'.

26 *meae me:* in the style of Cicero there is a great tendency to throw pronouns together. Cf. 15, l. 13; 85, p. 65, l. 29.

extulerunt...attulerunt: cf. n. on § 12, l. 14.

nescio quos spiritus: 'some strange arrogance'. *Nescio quis* often thus conveys the notion of strangeness or surprise. In the sense of 'insolence' 'arrogance' *spiritus* is used by the best writers in the genitive and ablative only of the singular number and the nominative and accusative only of the plural; cf. Liv. 21, 1, 5 *ingentis spiritus virum;* Cic. Leg. agr. 2, 93 *hunc regio spiritu;* Cluent. 109 *animos eius ac spiritus tribunicios;* Caes. B. G. 1, 33, 5 *Ariovistus tantos sibi spiritus, tantam arrogantiam sumpserat.* The word has the good sense of 'high spirit' only in poetry and the later prose.

27 *tam claris, tam immortalibus:* for Cicero's self-laudation see n. on § 14, p. 40, l. 2.

28 *qui...eripuerim:* the clause is causal, and looks to what comes after rather than what precedes: 'I shall consider myself sufficiently rewarded for having rescued...'. Cf. 32, l. 6; 36, p. 48, ll. 1, 6; 42, l. 12; 88, p. 67, l. 4; Roby § 1714; Kennedy § 210. *Qui...eripui,* would have been merely descriptive of *me.*

30 *tanto:* n. on 18, l. 5.

in...beneficio: n. on 26, l. 7.

mortalis: Cic. only uses this word for *homines* with one or other of the attributes *multi, omnes,* excepting in Lael. 18 where he has *nemo mortalis.* The use of *mortalis* in prose (like βροτοί in Greek) was at all times rather poetical. Sallust (the first prose writer who deliberately introduced poetical words merely for picturesque effect) is the first to use the word freely in this sense; Caesar avoids it altogether; Livy has it sparingly; in the rhetorical style of the silver Latin writers it is common.

31 *nullum...redundarit:* a forecast of the evil that befel Cic. five or six years later. Cf. De Or. 1, 3 (written after the event) *fluctus qui a communi peste depulsi in me redundarunt.* The word *redundare* is a favourite one with Cic.

redundarit: the fut. perf. indicative, not the perf. subj. With this completed future the completed future infinitive *adeptum fore* corresponds.

Fut. Perf. + Infinitive

Cf. Fam. 13, 18, 2 *te ita existimare volo quibuscunque officiis Atticum obstrinxeris, isdem me tibi obligatum fore.* This form of the infinitive is very common with passive verbs, not so common with deponents. See a collection in Neue Formenlehre II² 365. It is surprising that this infinitive form should not receive more notice than it does in our ordinary grammars.

§ 28.

31 *etenim:* introduces the reason for the apprehension just expressed.

33 *plenum:* generally (with few exceptions) followed in Cic. by the *genitive.*

Cervices

a vestris cervicibus depuli: cf. Cat. 3, 17 *non facile hanc tantam molem mali a cervicibus vestris depulissem.* Note that Cic. does not use *cervix* in the singular; nor does Sallust, nor Caesar; in Livy and after him it is often met with. Varro (L. L. 8, 5, 107) says that Hortensius the orator first used it. In Verr. 3, 49 Cic. curiously says (addressing Verres) *putamus patronum tuum* [i. e. *Hortensium*] *in hoc crimine cerviculam iactaturum.* In the earliest Latin verse *cervix* is found. After *depellere* (as after other verbs compounded with *de*) Cic. uses *de, ex,* and *ab,* but most frequently *ab.*

P. 45.

1 *a meis:* for *sed* omitted see n. on 22, l. 30.

2 *paucos:* emphatic, in reference to *plenum.*

fuisse...qui possent: past tenses because the plot was past. probative

Qui conari κτλ - there is a sort of enigma here, as if were invented. conari has no

Eripio

3 *eripere de:* but above, 27, l. 28 *eripuerim ex.* When *eripere* means 'to rescue' as in Phil. 12, 7 *e manibus est ereptus Antonius,* and below, 35, l. 16, it is followed by *ex* in Cic., except in Rosc. Am. 149 *vita S. Rosci de manibus sectorum erepta est,* where *de* should be corrected. When the sense is 'to snatch away' the dative of the *person* regularly follows (rarely *ab aliquo,* as in Verr. 3 §§ 115, 179), or *e* or *de* with ablative of *thing.*

faces: the Catilinarians had threatened conflagation as well as war. See Introd. § 19.

5 *potui, sicuti feci:* cf. 49, l. 19 *pariebatur, sicuti partus est.*

consceleratas: a very strong word = 'thoroughly penetrated by crime'; so below, l. 14.

Abl. of Manner

6 *quanto periculo:* modal ablative. In Cic. and other writers *periculo* and *cum periculo* both occur frequently. So with *pace* and *cum pace, cura* and *cum cura* and many similar expressions.

7 *cum...cum:* n. on 16, l. 24.

Dative of Agent

cum...susceptum: so Cat. 4, 22 *quare mihi cum perditis civibus aeternum bellum susceptum esse video.* The dative of the agent after the passive verb is in Cic. confined to the perfect participle.

§ 29.

9 *illis:* explained by the clause *quod...coniungunt.*

10 *suam salutem* etc.: 'link their own security with mine', i.e. look on their own as wrapped up with mine.

12 *uni maxime: unus*, like εἷς in Greek, is commonly used to intensify superlatives.

13 *non solum:* see critical n.

quod...repressi: this is the cause as stated by Cic., not as imagined by the conspirators, else *represserim* must have been written. Cf. 48, p. 52, ll. 4, 5.

§ 30.

16 *improbis ..improbe:* n. on 12, l. 14.

17 *ipse:* by this word a contrast is expressed between what Torquatus was personally, and what his father was.

his...dignitatis: 'having laid the foundations of his young life in such wise, with such hope before him of winning the highest position'.

fundamentis adulescentiae: cf. Cato m. 62 *eam me senectutem laudare quae fundamentis adulescentiae constituta sit. Adulescentiae* is genit. not dat. The foundations laid by Torquatus are the conduct by which he hoped to win public honours. *Fundamentum* is very commonly used by Cic. metaphorically, with *iacere, ponere* etc.

21 *immoderatione:* the word only occurs here. Cf. n. on 1, l. 13 *redomiti.*

22 *audacia:* n. on 16, l. 22.

24 *laqueo:* 'the noose'; cf. Introd. § 19, and crit. n.; also n. on 32, l. 16. For *carcere* cf. § 70, l. 32 n.

§ 31.

25 *in quo:* lit. 'in connexion with which thing'; trans. 'and, to begin with, one ridiculous part of the proceeding was that etc.' Cic. very frequently begins sentences and clauses with *in quo=in qua re*, even when there is some feminine noun in the preceding sentence with which the relative might have been made to agree. Cf. 93, l. 23 and for the use of the relative at the beginning of a refutation n. on § 54, l. 13.

absurdum: the primary meaning was 'out of tune'; cf. Cic. De Or. 3, 41 *vox quasi extra modum absona et absurda;* it then came to mean 'ridiculous', 'foolish' much in the same way as *ineptus*, which literally means 'out of place'. The root of *absurdus* is *svar*, which is reduplicated in *susurrus*. The old poet Naevius has *sardare*, formed from the stem (*sardo-*) of the simple *sardus*, whence the compound *ab-surdus=absardus*. Festus, who preserves the word of Naevius, explains it by *intel-*

legere ; but he may well be wrong, as the passage '*quod bruti nec satis sardare queunt*' readily admits the sense 'to speak clearly'.

26 *leviter* :=*suppressa voce* above, l. 21.

eos : for omission of *sed* or *autem* see n. on § 22, l. 30; also crit. n.

27 *iudicium :* here distinctly used of the *place of trial.* So below, 89, l. 8 *itinera iudiciorum.*

non intellegebat : dependent on *quod* above.

28 *ita...ut :* 'on such terms that'. So in 42, p. 50, l. 6; 58, l. 29; 60, l. 19; 61, l. 29.

quibus se venditabat : 'whose applause he was courting'. It is doubtful whether *vendere se* or *aliquam rem alicui* can be said for *venditare;* in Att. 13, 12, 2 *Ligarianam* (*orationem*) *praeclare vendidisti* [so MSS, but many edd. *venditasti*] *posthac quicquid scripsero, tibi praeconium deferam,* we probably have a jest: 'you have sold my speech for Ligarius in excellent fashion: for the future whenever I write anything I will make you my *auctioneer*'. There is a curious jest in Har. resp. 1 *cum is* (*Clodius*) *P. Tullioni Syro navaret operam atque ei se, cui totus venierat, etiam vobis inspectantibus venditaret.*

29 *id :* as *ea* precedes, many scholars have regarded *id* as spurious here. But the sense of *ea* and *id* is not quite the same; *id* means 'the whole proceeding' and does not refer specially to the *words* spoken. Moreover the change from plural to singular is not uncommon; cf. Madvig on Fin. 2, 22 and 61.

non probabatis : but above *probatis.* The change is intentional; *probatis* indicates the abiding sentiment of the jury about the conspiracy; *probabatis* the feeling they had at the time of Torquatus' action.

Iam. *iam :* literally 'when we get to it'. The word does little more than emphasize *oratoris est vitium,* and may here be rendered by 'actually'.

30 *oratoris...vitium :* 'a rhetorical fault'. In the first place (Cic. implies) Torquatus sinned against common sense, in the second against the rules of rhetoric also.

est : see crit. n.

non videre...postulet : the ancient teachers of rhetoric taught their pupils how to classify all possible cases, and elaborately drilled them in the lines of argument appropriate to each class of case. Cicero here casts doubt on the soundness of Torquatus' education in rhetoric. In De Or. 2, 291—306 Cic. makes Antonius insist on the necessity there is for an orator to take careful account of the strong and weak points of his own and his adversary's case, and above all, to say nothing which may damage his own.

31 *nihil...lugere :* 'nothing is so damaging to a man who is prosecuting another for conspiracy, as the impression that he laments the punishment and execution of the other conspirators'.

33 *is tribunus:* the scholiast says either L. Calpurnius Bestia or Q. Metullus Nepos is meant. Bestia was certainly implicated in the plot of Catiline (Sall. Cat. cc. 17, 43); there is no evidence that Nepos was concerned in it; nor is it likely, as he was a partisan of Pompeius, and absent with him from 67—63 B.C. As the words *ex illis* imply that the tribune hinted at was really a conspirator, most scholars since Garatoni have held that Bestia is here meant.

P. 46.

2 *cum doleas*. the indefinite second person *doleas* seems to us awkwardly near to the definite *te*. The subjunctive should probably be classed as 'iterative'; cf. Roby § 1716.

si quid: the *si* is without conditional force; so in Greek often εἴ τις is almost equivalent to ὅστις. Cf. below, 47, l. 24 *id...si quid.*

3 *talem adulescentem:* in passages like this we feel the absence of a present participle from *esse* (ὄντα). So above, 9, l. 13 and below, § 33, l. 22.

vindicem: here 'punisher'. The word just as often has the exactly opposite sense of 'protector' or 'champion'.

4 *velis esse:* 'you give yourself out to be'. *Esse* is emphatic, being at the end of the clause. See n. on 78, p. 63, l. 1 *debet esse.*

§ 32.

5 *tamen:* elliptic as often; the sense is 'much as I have blamed your other faults, yet I blame this most of all'.

ingenio et prudentia: 'ability and wisdom'; by *ingenium* only those intellectual endowments are meant which are given to a man by nature; *prudentia* implies moral effort.

6 *caussam...tenes:* 'you do not grasp the country's case'; i.e. 'you think you are the mouthpiece of the country when you bewail the fate of the conspirators'. *Caussam rei publicae* is contrasted with the prosecution of Sulla, and Cic. implies that Torquatus blunders about both. The usual rendering 'you do not grasp the *interests* of the country' (so Halm and Richter) is quite out of harmony with the succeeding words.

tenes:=intellegis. The dictionaries will supply examples of this usage, which is common in Cicero.

qui arbitrere: 'in that you suppose'. For similar causal clauses with *qui* see n. on 27, l. 28.

7 *plebi Romanae:* see Introd. § 19.

omnes boni: see n. on § 1, l. 10.

11 *fuisse ut voluerit:* precisely so below, § 62, p. 57, l. 10; also § 60, l. 19 *cognita est...dissenserit;* § 65, l. 13 *cogitarit.* After a perfect tense, the dependent clause may have either an imperfect or a perfect

subjunctive. The perfect marks strongly the completion of the act. Cf. Roby §§ 1509, 1510; Kennedy § 229. see n. on l. 12 below.

11 *haec omnia:* 'our whole empire'. This very idiomatic use of *haec* recurs below § 76, p. 62, l. 13; Att. 12, 19, 1 *si modo haec stabunt*, and elsewhere. Nägelsbach, Stil. § 50, 3, has some excellent remarks on the usage, and points out that in Cat. 4, 7 *haec delere* and *hoc imperium delere* are used convertibly.

perire: Halm favours *perdere*, a conjecture of Campe, who objects to the repetition of *perire* in the next line, and urges that a stronger word than *perire* is needed to go with *sceleratum*. But on the other side the following points may be pressed; (1) even Cic. is not extravagant enough to suppose that Torquatus, while prosecuting one man for conspiracy, appealed to the auditors as themselves conspirators; (2) if T. appealed to them at all, it must have been because he supposed them averse to the *illegal* punishments inflicted by Cic. and the senate; (3) *perire* is much more idiomatic than *perdere*, since Latin writers, after verbs of desire, commonly express the action desired by a passive rather than an active verb where there is a choice; indeed even when the active might be expected, we often find the passive, for which see my n. on Acad. 2, 42; (4) if *perdere* be necessary here, then much more necessary is it in § 75, l. 23, where no one has questioned the text. Cf. also § 61, l. 27 *iuvari cupiunt*. *Perire* is of course the ordinary classical substitute for a passive of *perdere*, *perditus* being the only part used by the best writers.

Infinitive

12 *cuperet...haberet:* the change from *voluerit* to the imperfect is no doubt intentional; the perfect refers to one particular moment, the imp. to a lengthened period of time. See my n. on Acad. 1, 35 (second edition); cf. also below § 58, l. 25 *exstiterit...putaret*.

salvom esse vellet: see n. on § 4, l. 31.

13 *an vero:* so in § 5, p. 36, l. 32. The form of the whole sentence should be carefully observed. It really comprises two sentences (*an vero...imperium* and *tu...necavit*) placed in strong contrast; the first refers to a generally admitted and approved action, the second to an action which is called in question. The inference is that the second action is absurd. This form of rhetorical inference is the 'enthymeme' par excellence of the ancient writers on rhetoric. Cf. Cic. Top. §§ 55 sq. and Cope, *Introduction to Aristotle's Rhetoric*, p. 104; also my n. on Arch. § 17.

Stylistic Analysis

An Enthymeme

clarissimum virum: T. Manlius Torquatus, consul in 340 B.C., and commander in the war of the Romans against the Latins. The story of the son's execution, by which the father earned the title '*Imperiosus*', is too well known to be retold here.

generis ac nominis: it was of course possible for two men to be of the same *genus* but not of the same *cognomen*. Here *nomen* is loosely used so as to include *cognomen*. Cf. § 88, p. 66, l. 26.

vestri: cf. *vos*, *vobis* in § 12 etc.

14 *in ceteros:* to be taken with *imperium*.

15 *rem publicam:* the senate ordered the execution of the conspirators, but Cic. here as ever assumes that the country at large favoured the act.

domesticos hostis: 'her internal foes'. The expression is often used of Catiline's crew, as in Sest. 11.

16 *necaretur, necavit:* the words are intentionally placed together; for the contrast cf. § 49, l. 21 *ut victi in campo in foro vinceretis. Necare* is properly 'to strangle'; Lentulus and Cethegus were so put to death. The occurrence together of two verbs in different constructions is not very common; cf. however above, § 18, l. 14.

§ 33.

itaque...mei: 'so observe, Torquatus, how far I turn my back on the opinions I expressed in my consulship'. It is better not to render *quam* by 'how little' (so Halm and others 'wie wenig') since it is the context alone which conveys this force. Nägelsbach's remark (Stil. § 86, 4) that *quam* with verb properly means 'how much' ('wie sehr') and that therefore the use we have here is ironical, is mistaken. With our passage cf. De Or. 2, 180 *vide quam sim deus in isto genere.*

18 *exaudire:* in a n. on § 30, l. 23 Halm gives as the meaning of this verb 'ganz, deutlich hören', as though *ex* implied 'thoroughly', 'out and out'. The sense is rather 'to hear *from a distance*', 'to *catch* a sound'. Cf. Att. 1, 14, 4 *nosti sonitus nostras: tanti fuerunt ut ego eo brevior sim, quod eos usque istinc exauditos putem.* The meaning assigned by Halm is quite inapplicable to passages like Att. 13, 48, 1 *heri nescio quid in strepitu videor exaudisse;* moreover the verb is often used of sounds difficult to catch, as supernatural noises (in Virgil and elsewhere).

19 *adstatis:* see crit. n.

20 *magno opere:* the form *magnopere* is mistaken; so write *nimio, maximo opere.*

mentis aurisque: cf. 12, l. 16 *animo...auris.* Cic. often has *erigere animum, auris.* For the union of the metaphorical with the literal sense of *erigere* cf. Phil. 13, 24 *cum in gremiis mimarum mentem mentumque deponeres.*

22 *consul=cum consul essem:* again a need is felt of a present participle like ὤν: see above, n. on § 31, p. 46, l. 3.

23 *conflatus:* an invidious word; 'scraped together', as in *conflare pecuniam* etc.

24 *exitium:* i.e. by conflagration; see l. 29 *incensione.*

patriae: probably dat. not genitive.

ad: 'with a view to'; cf. n. on 92, l. 14.

25 *rei publicae:* here 'the constitution', as below, l. 30.

in castris...esset constitutus: 'was placed in command of the camp'. Cf. n. on § 90, l. 24 *destitutus.*

26 *meis consiliis:* with *liberavi.*

27 *sine tumultu:* 'without any émeute arising', i.e. inside the city. Halm explains '*tumultu non indicto*', i.e. 'without public declaration that a state of *tumultus* existed'. On such a proclamation by the senate a general call to arms would follow. For the meaning of *tumultus* cf. Phil. 8, 3 *maiores nostri tumultum Italicum, quod erat domesticus, tumultum Gallicum quod erat Italiae finitimus, praeterea nullum nominabant. Tumultus* therefore implies sudden and imminent peril from Gaulish or Italian foes.

sine dilectu: as Sallust expressly says (Cat. c. 30, 36) that Cic. and Antonius were directed by the senate to enrol troops, the meaning of the statement here can only be that the *outbreak* of the conspiracy within the city was prevented before troops had been enrolled.

29 *confessis:* as Halm remarks, Cic. lays great stress on the confession wrung from Lentulus and the rest, which made their crime *manifestum* and therefore, according to him, punishable by execution. Cf. Sall. Cat. 52, 36 (speech by Cato) *de confessis, sicuti de manifestis rerum capitalium, more maiorum supplicium sumendum.* Cic. here takes credit for the arrest and the forced confession, but says nothing of the sentence, wishing it to be understood that for it the senate was responsible. Cf. Introd. § 19.

incensione: a very rare word, probably occurring elsewhere in classical Latin only once, viz. in Cat. 3, 9. Cf. n. on 1, l. 13 *redomiti.*

internicione: for the spelling see Appendix B.

31 *statum:* 'the settled peace'; so below 63, l. 16.

terrae: less common than *orbis terrarum*, but not unfrequently met with in Cic.

urbem...imperi: 'this capital, in fine, the home of each one of us, the defence of foreign princes and peoples, the glory of all nations, the seat of empire'.

32 *omnium nostrum:* as *nostrum* is never used by Cic. excepting in a partitive sense, this phrase must be explained as a double genitive 'of all of us'. It has been objected that we do not find *nostrum omnes* but *nos omnes*, in Cic. This is true, but only shews that we have to choose between two difficulties. In De Or. 3, 37 *omnium vestrum* is immediately followed by *quisque vestrum*, as though Cic. regarded the construction of *vestrum* to be the same in both cases. [Madvig condemns *omnes Samnitium* in Liv. 10, 31, 5; but Ovid, Pliny the elder and Tacitus use *cuncti* with the genitive.]

arcem regum etc.: cf. Cat. 4, 11 *videor enim videre hanc urbem, lucem orbis terrarum atque arcem omnium gentium, subito uno incendio concidentem.* Rome is called *arcem omnium gentium* in Leg. Agr. 1, 18, and the metaphorical use of *arx* is very frequent in Cic.

Natio
v Gens.

nationum...gentium: natio is a separate tribe or political aggregate; *gens* a race or stock which may comprise many different *nationes.*

33 *lumen:* a weaker metaphor than *lucem orbis terrarum* in Cat. 4, 11, quoted above. See my n. on Acad. 2, 26 *lux lumenque* (second edition).

domicilium: so Cat. 3, 1 *hoc domicilium clarissimi imperi.*

quinque: Introd. § 19.

§ 34, P. 47.

1 *an:* n. on 5, p. 36, l. 32.

2 *iniuratum...iuratus:* the contrast between these two words is much beloved by Cic. Cf. e.g. Caec. 3 *id iurati dicunt quod ego iniuratus insimulo.*

3 *in maxima contione:* the reference is to Cicero's famous oath on leaving the consulship. He was prevented by a tribune from swearing the ordinary oath, that he had observed the laws, and improvised an oath to the effect that he had saved the country. Cf. Acad. 2, 62. It is to be hoped that the spelling *concio* is now finally banished. See Appendix B.

4 *illud:* refers on to the words *harum omnium...superaret.*

ne quis...improbus: the MSS give *nequi*, but *ne quis* seems necessary here, as *improbus* is an adjective. Our MSS, however, do not allow us to lay down strict rules for the use of *ne quis*, *ne qui* and the like. See my n. on Acad. 2, 61, and cf. crit. nn. on § 41, l. 26 and § 43, l. 17, below, also n. on 39, l. 28.

5 *idem:* Halm (after Spengel) is no doubt right in taking this to be nom. plur., agreeing with *omnes*, not neut. sing. After *illud* Cicero's usage would require *id* not *idem* (cf. n. on § 71, p. 60, l. 13 *huius...eum*), moreover the *contrast* calls for *idem*, since this word is constantly used in agreement with the subject to point a contrast between two statements or actions. Cf. n. on § 20, p. 41, l. 30. As to the spelling, the forms *idem* and *eidem* (*two* syllables) are good for Cicero's time; but not *iidem*, which our texts give us so constantly. [It is possible that Cic. wrote *id* and that the *em* has come from the *om* in *omnes*.]

7 *suscepi...gessi:* the contrast is between determining on a plan and carrying it into action: cf. Arch. 1 *ad suscipiendam et ad ingrediendam rationem horum studiorum.* For *suscepi* cf. n. on § 22, l. 20.

8 *ille:* Halm says that had Cic. been addressing the jury and not the *corona populi* at a distance from the bench, he would here have used *iste*, and H. so explains *ille* in § 2, p. 36, l. 2; § 35, l. 24. But in § 35, l. 22 *illo* is used of Torquatus in a direct address to the jury. The fact is that the difference between *ille* and *iste* is here one of *tone;* the latter conveys a touch of impatience or contempt.

cum esset: n. on 14, p. 39, l. 32.

contubernalis: here (as often) used of association in civil life. Primarily, the word implies one who forms part of the personal retinue

of a commander in the field; lit. 'one who lives in the same tent'. Roman youths of gentle birth usually made their first campaigns under the eye of the general.

9 *auctor:* here not 'adviser' but 'backer', 'partisan', a not uncommon sense. In the next line the meaning is 'instigator'.

adiutor: 'lieutenant'; *particeps:* 'associate'.

10 *exstitit:* = *se praebuit*, 'came forward as'.

princeps...iuventutis: the title here given to Torquatus is merely complimentary, like *princeps in re publica*, for which see n. on § 3, l. 8. So Livy often designates young Romans of high birth (serving with the *equites*) by the titles *principes iuventutis, proceres iuventutis.* In imperial times *princeps iuventutis* was a title reserved for the emperor's successor.

signifer: cf. the metaphors in Att. 2, 1, 7 *equitatus ille quem ego in clivo Capitolino te signifero ac principe collocaram;* Mur. 50 *dux et signifer calamitosorum.*

11 *parens eius:* see Introd. § 22.

13 *interfuit:* 'was present in person'; cf. Fam. 1, 6, 1 *non interfuit solum sed praefuit.*

nusquam...digressus: a hyperbolical statement; so in Balb. 5 Cicero says of Balbus when on service *numquam a Memmio* (the general) *discessisse;* Liv. 37, 53, 18 *numquam a consule abscessi;* similarly Xen. Mem. 4, 2, 40 ὁ δὲ Εὐθύδημος οὐκ ἀπελείπετο ἔτι αὐτοῦ Σωκράτους εἰ μή τι ἀναγκαῖον εἴη. Observe that *nusquam* is an adverb both of *place* and of *direction;* so *usquam.* There are no separate adverbs in ordinary classical Latin corresponding to those in Plautus viz. *quoquam* and *ne quoquam.* [*Quoquam* however occurs in Lucr. 5, 843; Nep. Att. 7, 1.]

14 *est...digressus:* n. on § 3, l. 13.

auctoritate: so Fin. 2, 62 *quo quidem auctore nos ipsi ea gessimus,* of the elder Torquatus.

unus: like εἷς τις ἀνήρ, 'so far as a man could'. So above, 29, l. 12.

§ 35.

16 *videsne: nĕ* is very frequently used by the Latins in questions where a modern would insert a negative; here 'do you not see?'

ut...gratia: 'how I cut you off from your sudden popularity with the scoundrels'. For *eripiam ex* cf. n. on § 28, p. 45, l. 3.

17 *retinent retinebuntque semper:* cf. Lael. 102 *mihi quidem Scipio... vivit semperque vivet;* Plin. ep. 2, 1, 11.

18 *si...desciveris:* i.e. if you abandon your friendship for me. Cf. § 2, p. 35, l. 16. Both *desciscere* and *deficere* are primarily used of military revolts.

19 *sed iam redeo:* a common '*formula ipsum se revocantis*' from the Latin of Cato the Censor onwards.

20 *caussam:* Cic. admits that his attack on Torquatus has, strictly, nothing to do with the case.

hoc ... testor: 'I call you to witness'. The accusative *hoc* is of the same description as *quod* in 9, l. 4, where see n.; cf. also Plaut. Capt. prol. 3 *hoc vos mihi testes estis.*

21 *quaedam:* this slightens the force of the very strong word *necessitas:* 'compulsion of a kind'; cf. n. on § 53, l. 7 *quasi morbus quidam.*

22 *illo:* n. on § 34, l. 8.

Sullam solum: very uneuphonious to modern ears; cf. however my n. on Acad. 1, § 6 *quam quibusnam quisquam.*

23 *nihil aliud agerem nisi defenderem:* the elliptic phrase *nihil aliud nisi* (without verb like οὐδὲν ἄλλο ἤ) is also very common. *Defenderem* is really due to a kind of attraction for *defendere.*

qui accusatus esset: we have here an example of the way in which statements of fact which are not hypothetical fall under the influence of neighbouring hypothetical particles. If we may imitate Dr Kennedy's expression 'sub-oblique' we may call a clause like this 'sub-hypothetical'.

24 *illa oratione:* corresponds to *hanc orationem* below.

25 *dixi:* cf. § 2, p. 35, l. 16 *quoniam L. Torquatus, meus familiaris ac necessarius, iudices, existimavit, si nostram in accusatione sua necessitudinem familiaritatemque violasset, aliquid se de auctoritate meae defensionis posse detrahere.*

26 *dolor:* 'indignation'.

me meus: see crit. n.

27 *ipsa caussa...flagitavisset:* cf. § 69, l. 13 *ipsa caussa cogit.*

28 *flagitavisset:* a very strong word: 'would have cried aloud'. See n. on § 16, l. 23 and cf. pro Quint. 13 *tametsi caussa postulat, tamen quia postulat, non flagitat, praeteribo.* But for the interposition of *si...cogeret* between *cum esset invectus* and *flagitavisset,* Cic. would have written *flagitavit;* see n. on l. 23 above.

§ 36.

29 *ab Allobrogibus:* see Introd. § 19.

31 *L. Cassium:* see Introd. § 19.

32 *secum:* i.e. the conspirators. For *cum ceteris...secum* cf. n. on § 16. l. 24.

P. 48.

1 *diligentiam:* properly 'minute pains-taking accuracy'; here almost equivalent to 'curiosity'. The word corresponds in meaning to ἀκρίβεια but not to our 'diligence', which is in Latin rather *industria.*

Cum 1 *qui...non nossent:* 'not knowing'. For the subjunctive see n. on 27, l. 28.

2 *ac:* see n. on § 21, l. 9 *et contra.*

3 *pari calamitate:* Introd. § 9, and n. on § 15, l. 7.

Voluntas *eadem voluntate:* 'the same way of thinking'. *Voluntas* is very often used by Cic., as here, of *political* inclination.

4 *quid:* sc. *respondit;* the answer only really begins at § 38, l. 24.

si respondisset: 'if he had answered' (*then*); *mihi non videretur:* 'I should not think' (*now*).

5 *in hunc...debere:* 'that it ought to be regarded as incriminating my client'.

6 *qui...impelleret:=cum is imp.;* cf. n. on § 27, l. 28. For the context cf. Sall. Cat. 40, 6 *eo praesente coniurationem aperit* (*Umbrenus*), *nominat socios, praeterea multos cujusque generis innoxios quo legatis* (*Allobrogum*) *animus amplior esset.*

§ 37.

9 *una facere:* the equivalent of *secum facere* above.

etenim: καὶ γάρ: 'and indeed'.

10 *esset: fuisset* might have been expected; but the sense is that such a proceeding as that imputed to Sulla would be thought *at all times* ridiculous.

Nisi forte 12 *nisi forte:* ironical as usual, introducing a supposition palpably absurd; the verb that follows is always in the indicative.

nomen...fuisse: it is doubtful whether the construction *aliquid est in memoria alicui* occurs elsewhere. On the analogy of *aliquis adest in iudicio alicui* and the like expressions, we should rather have expected *adfuit;* possibly Cicero wrote it.

14 *illustres:* 'conspicuous'.

15 *commemoratio:* n. on § 18, l. 10 *commemorabat.*

16 *auctoritates:* see n. on 26, l. 14 *operae.*

17 *colligeret:* 'was bringing to bear the influence of leading men in the conspiracy'.

§ 38.

Iam vero 19 *iam vero:* these particles (as in § 57, l. 9 and § 60, l. 10) introduce the last and most important link in a particular chain of argument. Trans. 'nay, more'.

illud...potest: 'the statement cannot possibly be made good, that...'.

20 *Gallos...Cassio:* as the clauses beginning with these two names are strongly contrasted, it will be necessary in translating to insert 'while'... 'still' or some such phrases. For the omission of an adversative particle before *Gallos* cf. n. on § 22, l. 30 *illud quaero.*

21 *calamitatis:* n. on § 15, l. 17.

22 *si hic esset:* i.e. 'was at the time when the question was put'. Hence *esset* not *fuisset.*

23 *huius:* sc. *Sullae.*

in mentem venire: see n. on § 19, l. 21.

24 *sed tamen:* 'but putting that aside'. So § 44, l. 24. *Sed tamen* cf. n. on 55 l. 26.

25 *certum:* the neut. adjective used as substantive, as in *falsum dicere* (below, § 39, p. 49, l. 3) and other such phrases. So Att. 8, 11 D, 2 *dum certum nobis referretur* (qu. by Nägelsbach). Other exx. of adjectives used as substantives will be found in 84, l. 23 *invidi;* 49, ll. 14 and 22; 57, l. 11.

inquit: n. on § 3, l. 17.

dixi antea etc.: if the reading be right, it is very awkward to have the stop at *antea* and the rest of the sentence unaffected in its construction by *dixi.* Style.

argueret: the charge supposed to have been made by Cassius is hypothetically treated as continuing up to the moment of speaking; hence the imperfect not the pluperfect, which would have viewed the charge as belonging only to the moment at which Cassius presumedly made it. Trans. 'even if he charged my client, *but only when* the question was put to him, I should not think it a proof of his guilt'. Subjunct.

26 *tum denique:* so in § 19, l. 24.

§ 39.

27 *quaestionibus:* 'criminal courts'. *Quaestio* is, literally, 'commission of inquiry'. In early times, such commissions were issued by the *comitia centuriata* from time to time for the trial of criminal offences, but gradually permanent commissions were established. The final organisation of the criminal courts was due to Sulla.

iudiciis: sc. *publicis;* merely repeating *quaestionibus.* For the reading see crit. n.

28 *aliquis:* many MSS and editions give *aliqui;* but the *s* would easily drop out, as *sed* follows, while it is very doubtful whether Cic. ever used *aliqui* by itself as a substantive. Cf. n. on *ne quis,* 34, l. 4.

29 *utrum...nescire?* 'is he trying to clear Sulla, or does he sufficiently convince us of his ignorance?' A dilemma: either Cassius really knew nothing against Sulla or was trying to whitewash him. Cicero supposes his adversary to accept the latter alternative. A dilemma

30 *satis probat:* so Acad. 1, 10 *satisne probus?*

32 *de se ipse:* Cic. nearly always employs this form, rather than *de se ipso;* see my nn. on Lael. 5 and Cato m. 4.

33 *videlicet:* see n. on § 21, l. 11.

credo: ironical, see n. on § 11, p. 38, l. 33.

celatum esse...de: celatum is in agreement with *Cassium.* The construction *celare aliquem de aliqua re* 'to withhold information from some one about something' is not uncommon; cf. Cael. 53 *celatam esse Clodiam dixit.*

P. 49.

1 *domi eius:* the interviews with the ambassadors probably took place at his house.

Pronouns 3 *in eo numero:* Cic. always has *in eo numero, ex eo numero,* not *in eorum n.* etc. Cf. my n. on Arch. 30.

Petitio Principii. *dicere falsum:* Cic. here assumes what he has to prove, that if Cassius had charged Sulla with belonging to the conspirators, the charge would have been false. For *falsum* cf. n. on § 38, l. 24 *certum.*

Omission of Subject of Infinitive 4 *nescire dixit:* the omission of the subject (*se*) before the infinitive is attested by MSS in hundreds of passages similar to this, but seldom left unchanged by editors. See my n. on Acad. 1 § 18 (second edition).

Comparison 6 *eandem...quam si:* Cicero uses this form for *idem...quasi, idem atque* (or *ac*) *si,* used by earlier writers.

7 *extra coniurationem:* the same expression in Sall. Cat. 39, 5.

cuius scientiam...constat fuisse: a very remarkable abstract use.

8 *ignoratio:* n. on § 24, l. 22 *iactationem;* also, for the similarity in sound between *ignoratio* and *purgatio,* the n. on § 19, l. 21 *infestae ac funestae.*

10 *illud...tantum satis est: tantum* goes with *illud* and is here restrictive, as in the exx. quoted on § 22, l. 18; 'this one thing only'. Cic. often uses *tantum satis* or *sat est* with the demonstrative pronoun omitted, as Fin. 1, 30 *tantum satis esse admonere.* So § 82, l. 25 *tantum quod satis esset,* with which cf. Leg. 2, 6 *tantum complectitur quod satis sit modicae palaestrae, loci.* [In a n. on Fin. 1, 30 Madvig gives a wonderfully perverse interpretation of our passage; he says *tantum satis* forms one expression, and stands as a predicate.]

contra Sullam nihil esse: cf. Acad. 2, 58 *neque id est contra nos,* with my n. (in ed. 2).

§ 40.

13 *inruit:* a strong word; 'launches himself upon me'; it implies that the attack was *purposeless.* ?

Falsification of Public Documents. *dictum sit:* sc. *indicium.* The falsification of public documents was far from uncommon at Rome. As there was no regular 'quorum' in

the Roman senate (though for a few purposes certain statutes prescribed the number of members who should be present) it was possible, with the connivance of the officers of the *aerarium*, the Roman record office, to spread abroad decrees of the senate which were never passed. See e.g. Cic. Att. 4, 18, 2 (4, 17, 2 in Wesenberg's text); Fam. 9, 15, 4. Cf. also Pro domo § 50, where it is stated that in the law whereby Clodius banished Cic. one of the reasons he gave was that Cic. had forged a *senatus consultum*.

14 *tabulas publicas:* see n. on 42, p. 50, l. 7.

vobis...tribuo: Cic. was much ridiculed at this time for boasting repeatedly of the favour of the gods. Cf. Decl. in Cic. 3 *Cicero se dicit in concilio deorum immortalium fuisse;* ib. 7.

15 *tantum dare ut...dispexerim:* a condensed expression for *t. d. ut dicam me dispexisse.* The brachylogy is precisely similar in the common form '*non adducor ut...sit*' for '*n. a. ut credam esse*'. Cf. e.g. Fin. 1, 14 *illud quidem adduci vix possum ut ea quae senserit ille tibi non vera videantur;* Madvig ad l. has an admirable note.

17 *in illa...rei publicae:* 'amid that raging storm which burst over the country'. It would be a mistranslation to render *tempestate* by '*time*' or '*season*', since Cic. declared *tempestas* for *tempus* to be poetical and archaic (De Or. 3, 153) and only himself used the word in that sense once (De Div. 1, 75); though Sallust, Livy, Tacitus and others employ it freely.

18 *dispexerim:* 'had insight into'; 'divined'. This word must be carefully distinguished from *despexerim. Dispicere* is to see with difficulty, as through a chink. Cf. Fin. 2, 97 *ut primum dispexit,* of a man coming round after having fainted from a wound; ib. 4, 64 *catuli qui iam dispecturi sunt.*

20 *ad unam salutem:* 'to the thought of deliverance alone'; =*ad unam cogitationem salutis.*

21 *erroris et inscientiae:* these words have been sometimes taken to refer to the conspirators. But they are not nearly strong enough for that; moreover the context shews that Cic. is contrasting his own insight with the blindness of other statesmen who refused at first to believe in the existence of the conspiracy.

22 *lumen praetulistis:* lit. 'carried a light before my mind'; i.e. 'shed light upon my mind'. So Plin. ep. 5, 17, 4; Val. M. 3, 2, 2, and often in other writers.

§ 41.

23 *nisi* etc.: 'unless I attested in some public document the credit of the information'. For *auctoritatem indici* cf. Arch. 9 *tabulis...quae solae optinent publicarum tabularum auctoritatem* 'the credit due to public documents'.

25 *quispiam...aliquis:* the attempts often made to distinguish between the uses of these two pronouns are in great part vain; there are innumerable passages in which the two are interchangeable; cf. e.g. De Or. 2, 38 *si de rusticis rebus agricola quispiam aut si de pingendo pictor aliquis diserte scripserit.*

id...fefellit: 'such a case was far from my thoughts'.

26 *sed ut:* the *ut* is here repeated for the sake of clearness after the parenthesis, as in § 89, ll. 6, 7.

Pronouns

aliquis...naufragus: see n. on § 34, l. 4 *ne quis;* 'some one who has made shipwreck of his inheritance'. Cic. applies the term *naufragi* to Catiline's conspirators in Cat. 1, 30 and 2, 24; the metaphors we have here are much used by him.

27 *aliter indicata:* sc. *atque scripta sunt.*

Genitive

29 *portum suorum malorum:* 'haven of refuge from his own troubles'. For the genitive cf. Caec. 100 *exsilium est perfugium portusque supplici.*

30 *introductis...indicibus:* see Introd. § 19. The phrase *introducere aliquem in senatum* is regular; but *producere in contionem* is said.

Powers of a Consul

constitui: 'I appointed'. Evidently no formal resolution of the senate was passed on the subject. For the word cf. n. on 62, p. 57, l. 2.

senatores: i.e. I did not employ as usual the public clerks (*scribae*).

31 *interrogata:* 'the questions put to them'.

§ 42.

32 *at quos viros!* Cic. felt that it was not enough to say that they were senators, since many of the worst characters at Rome were members of the senate. For the expression cf. Rab. perd. 20 *equester ordo—at quorum equitum!*

33 *facultas:* 'abundance'. Of this use the dictionaries will supply examples. For the context cf. Lael. 62 *constantes amici eligendi sunt, cuius generis est magna penuria.*

P. 50.

Roman Shorthand

1 *celeritate scribendi:* there must be here (in spite of Halm's objections in ed. mai.) some reference to the practice of shorthand, which was coming rapidly into use at the time. Cic. might very well know what senators were skilled in the use of this art, but could hardly be expected to know what men were able to write rapidly in full. *Scientia* 'skill', refers, I cannot help thinking, to the same practice, and *persequi* 'to follow' points in the same direction. Ancient shorthand did not, like ours, employ special symbols, but simplified the forms of the letters and used many abbreviations. The writers of the empire refer much to the professional *notarii*, and the art of shorthand was then even taught in schools.

2 *C. Cosconium:* governed Hispania ulterior in 62 B.C. with the title '*pro consule*'; died in 59, while one of Caesar's 20 commissioners for carrying out the agrarian law which was passed in that year.

3 *M. Messallam:* possibly not the Messalla mentioned in § 20, p. 41, l. 32 as present at the trial of Sulla, but one who was consul in 53 B.C. (In that case n. 4 on p. 23 needs correction.) The year for which he desired to be praetor must have been 61 not 62, as the praetors for 62 had already been appointed when Cic. disclosed the conspiracy. Some of the older editors find a difficulty in the length of time between the candidature and the election. But the date to which Cic. here refers is the 3rd Dec. 63 and the ordinary time for the *comitia* would be July 62, so that the time was far from excessive. A more serious difficulty lies in the fact that Messalla was not consul till 53. But we really do not know in what year he actually became praetor. If he did not succeed in 62 it is rather odd that Cic. in publishing the speech should have allowed the mention of his candidature to stand.

P. Nigidium: a remarkable man; a great student and writer on philosophy, more particularly on its physical side. His works are often quoted by Pliny the elder. He was an intimate friend and adviser of Cic. In 58 he was praetor; in the civil war he took Pompey's side, and died in exile in 44.

4 *Appium Claudium:* brother of the infamous Clodius; consul in 54 and Cicero's predecessor in the government of Cilicia.

5 *aut...defuisse:* note the *coniunctio;* for which see n. on § 12, l. 11.

ingenium: the remark of Schütz that this word comprises the two words *memoria* and *scientia* above is mistaken. See n. on § 32, l. 5.

6 *quid? deinde* etc.: for the punctuation see crit. n. For *ita...ut:* see n. on § 31, p. 45, l. 28.

7 *tabulas publicas:* the phrase is used of all government records; e. g. in Arch. 9 of the register of new citizens enrolled after the Social War. Many writers (Halm, Richter, Lange, etc.) have taken our passage to prove that *minutes* of the senate's proceedings were drawn up on important occasions, even before the consulship of Caesar in 59, when the *acta senatus* became a regular institution. But the fact that the *indicium* of the Allobroges was reduced to writing *in the senate* was due solely to Cicero's desire for publicity, and there is nothing to shew that the writing formed part of an ordinary record of the senate's proceedings for the day. Indeed the words *more maiorum* prove the opposite view. No one contends that the practice of writing out minutes of the debates in the senate, *if it existed in* 63 B.C., was then of any but recent origin. The words of Cic. really imply that the consuls who had before him investigated conspiracies had drawn up the records themselves and kept them in their houses; his action had only differed from theirs in being more public and cautious.

8 *privata custodia:* opposed to *custodia* in the *aerarium,* the state record office. The *indicium* was a document wanted for current pur-

poses; such documents were probably retained by magistrates only till the business for which they were needed was completed.

9 *occultavi:* see n. on § 7, l. 24.

describi...imperavi: Cic. not unfrequently has a *passive* (never an *active*) infinitive depending on *imperare;* cf. e.g. Verr. 1, 65; Cat. 1, 27.

10 *librariis:* i.e. the *scribae librarii* or public clerks.

12 *ex quo...esset:=cum ex eo;* cf. n. on 27, l. 28.

11. divisi --- dimisi

§ 43.

13 *locum...quo in loco:* the repetition of the antecedent in the relative clause is not very uncommon in Cic., and in many authors (Caesar particularly) is frequent.

14 *nomen sit:* an unusual phrase for *nomen notum sit.* The word *notum* may have dropt out in the MSS.

15 *eodem: eo* might have been expected, but *eodem* is more emphatic: 'to that same spot'.

in quo...tempore: 'and at that crisis, unforeseen and brief and stormy as it was'.

16 *multa...providi:* 'I took many precautions'.

17 *ita ut dixi:* more emphatic than the much commoner *ut dixi: 'even as I said'.*

ne quis: for reading see crit. n. Trans. 'that no one should be allowed to draw on his memory for just so much as he chose to state concerning the danger to the country or to any individual'. For *tantum* cf. n. on § 22, l. 18.

19 *reprehendere:* 'to criticise'. *Reprehensor* often means 'an adverse critic', opposed to *existimator.*

20 *temere creditum:* the young student must beware of taking *creditum* as a participle in agreement with *indicium.* The Latin prose writers of Cicero's time did not use expressions like *indicium creditum est* 'the information was believed'. *Creditum* here is the infinitive (*esse* being omitted) of the impersonal verb, and a dative (*ei*) must be supplied; cf. § 47, p. 52, l. 7. Trans. 'that credence was carelessly given to it'. The omission of *esse* in the compound infinitive is common in Cic. after verbs of speaking and thinking.

21 *iam:* 'any longer'; i.e. after the record was drawn up in the senate.

a me...ex meis: cf. n. on § 28, p. 45, l. 3.

commentariis: 'memoranda'.

22 *nimia:* 'excessive'; i.e. so as to give rise to suspicion.

23 *diligentia:* see n. on § 36, p. 48, l. 1.

§ 44.

24 *sed tamen:* so § 38, l. 24.

indicatus esset: i. e. as you assert; cf. § 68, p. 59, l. 4 *cum Catilinae suffragaretur.*

25 *esset:* singular verb with two subjects, as below § 62, l. 5 *comparabatur;* cf. Roby § 1438, who however limits the usage too much when he says that the two subjects must form but one notion.

27 *edituri fuerint:* the reason for this construction will be seen if it is remembered (1) that the two forms of conditional sentence (*a*) '*edidissent si voluisses*' and (*b*) '*edituri fuerunt, si voluisses*' are convertible, though the former is much more common than the latter, (2) that if the apodosis ceases to be independent, and comes to be dependent on a preceding clause, being connected with it by a particle (as here by *cum*), then form (*b*) *can* be altered to suit the new requirements, by changing *fuerunt* into *fuerint*, while form (*a*) is perfectly inelastic. With our passage cf. Pis. 14 *ostendis qualis tu, si ita forte accidisset, fueris illo tempore consul futurus;* Planc. 50 *si id facere voluisses...non dubito quin omnis ad te conversura fuerit multitudo.* It is important to note (as Madvig insists in his Opusc. 2, 227 sq.) that no good Latin writer said anything like '*facturus fuissem, si scissem*' for '*facturus fui, si scissem*'; the reason being that the *contingency* is already expressed by the *future* participle, so that there is no room for the contingent *fuissem.* Why not *essent* instead of *fuerint* as alternative to *fuerint*?

28 *codicem:* Cicero's own private note-book.

cum videres: for the omission of *et* before this clause cf. n. on § 22, l. 30 *illud quaero.*

29 *passus es, non:* see crit. n.

mecum...questus es: the phrase *queri cum aliquo* (like λοιδορεῖσθαι τινι as opposed to λοιδορεῖν τινα) implies something of *mutual* recrimination.

familiari meo: 'some one of my friends'.

31 *expostulasti:* repeat *mecum aut cum familiari meo.*

tu...ementiare: 'are you the man to invent so great a charge?', i. e. 'does it become you to invent?' Cf. Roby § 1610.

33 *quieveris tacueris:* Cic. does not omit the conjunction between *two* verbs unless, as *here,* the passion excuses the abruptness, or unless the expression is proverbial. The same rule holds of two substantives. [Cf. § 61, l. 24 *adsunt, laborant.*]

in eum...deducas: 'to bring yourself into such straits'.

P. 51.

1 *commutati indici:* 'of tampering with the information'. Halm qu. Verr. 3, 83 *an audacius tabulas publicas commutavit?*

2 *tuo iudicio:* 'by your own verdict'.

§ 45.

5 *per me:* with *patefactam.*
contaminarem: Roby § 1610.

7 *rei p.:* dative after *insidias.*

9 *tamenne tam:* for reading see crit. n.

10 *subsidio:* predicative dative; see Roby Gram. Vol. II. pref. p. liii.
repertae: refs. for this use: 'drawn up, or rather 'written', 'produced', 'made'
q: *litterae* 'documents' § 46. 'invented'.

The V Figure 12 *fero...fero:* the figure called by grammarians ἐπάνοδος or *regressio;* see § 20, p. 42, l. 3.
Regressio 14 *reflecto:* so De Or. I, 53 *mentes aut incitantur aut reflectuntur.* The metaphors are from driving horses.

permitto aliquid: 'I make some allowance for'.

The figure Distributio 15 *do:* sc. *aliquid,* 'I concede something'; *cedo:* 'I sacrifice something'. We have here the grammatical figure called *distributio,* by which the same idea is expressed by four different verbs. The accusative after *cedere* is only used by Cic. in the case of neuter pronouns and adjectives. Brut. 290 *in cedendo loco* does not shew that Cic. could have said *cedere locum,* though Varro has such constructions and from Livy onwards they are common. cf. 82 l 12 n.

18 *perstrinxit:* 'has chafed me'; lit. 'has grazed'.

19 *quem...perfregerim:* 'whom I have not overturned and shattered'.

Credo 20 *credas velim:* for *credas* see Roby §§ 1606, 1608, and for *velim* n. on I, l. I *vellem.* The construction *credere aliquid alicui* 'to take something on some one's word', is not uncommon.

§ 47.

22 *nova:* 'unparalleled'.

Abutor 23 *abuti:* not quite our 'abuse', but rather 'to put to the test', 'to feel the full force of', 'to put a strain on'. Cf. Cat. I, I *quo usque tandem abutere patientia nostra?*

aculeos...excussos: Cic. has here adapted a common military phrase '*excutere tela alicui*', 'to dash the weapons out of a man's hand', of which we had another adaptation in § 24, l. 21. There is also a reference here to the notion that bees always leave their stings behind in the wound they make, and so die (Verg. Georg. 4, 238; Plin. Nat. Hist. II, 60). With our passage cf. Cael. 29 *vestrae sapientiae est non abduci ab reo, nec quos aculeos habeat severitas gravitasque vestra, cum eos accusator erexerit in rem, in vitia, in mores, in tempora, emittere in hominem et in reum;* Cluent. 152 *evellere se aculeum severitatis vestrae posse confidunt;* Flac. 41 *mortuos est aculeo iam emisso ac dicto testimonio.*

reconditi: 'sheathed', as a bee draws in its sting.

24 *id...si quid:* cf. § 31, p. 46, l. 2 *si quid;* the *si* has no conditional force and *si quid* is equivalent to *quidquid,* as εἴ τι often is to ὅτι.

25 *amissum...remissum:* cf. n. on § 12, l. 14 *delata...prolata.*

26 *iniuriae tuae:* =*i. a te factae.*

27 *virium:* cf. De Or. 1, 242 *non est difficile oratori eius partis quamcumque defendet, auctorem aliquem inuenire; a quo cum amentatas hastas acceperit, oratoris lacertis viribusque torquebit;* Quint. 10, 1, 77 *carnis plus habet* (sc. *Aeschines quam Demosthenes*) *minus lacertorum.*

28 *luctari et congredi:* 'wrestle and battle'. *Congredi* is the stronger word of the two, being often used of two armies meeting on the field of battle.

29 *usu...aetate:* limitative ablatives; see Roby § 1210.

30 *tulisse ut:* this position of *ut* in the clause is quite usual in Cic., particularly after negatives. Phrases like *ut nihil, ut non* etc. are hardly ever found at the beginning of a clause.

31 *rettulisse gratiam:* this use of *gratia* for *mala gratia* occurs now and then throughout Latin. As Halm remarks, the play on words in *tulisse—rettulisse* would have been more pointed had Cic. omitted *gratiam,* but he was unwilling to use so harsh an expression as *rettulisse iniuriam.*

§ 48.

32 *si quod* etc.: the ellipse is of a common kind; cf. e.g. below § 51, l. 8 *si vetera;* Balb. 13 *utrum scientem voltis contra foedera fecisse* (*Pompeium*) *an inscientem? Si scientem—o nomen nostri imperi!*

P. 52.

1 *quod accusas:* n. on 29, l. 13.

inimicum ego etc.: this *altercatio* is cleverly managed by Cic.

2 *et amicum:* for *et* (not *at*) introducing the answer, cf. Caec. 8 '*est enim turpe iudicium*'. '*et factum quidem turpe*' (so Manut. and Lambin. rightly read); Fin. 1, 35 *Torquem detraxit hosti:—Et quidem se texit ne interiret.*

3 *coniurationis quaestione:* =*qu. de coniuratione;* see n. on § 14, p. 40, l. 3.

5 *de aliis:* the word *cogitavit* shews that Cic. is not referring here to those who were convicted of participation in the plot of Catiline, but to his many sympathizers who were never brought to trial. The reading *cognovit* is mistaken; see crit. n.

6 *quia coactus sum:* 'because I had no choice'. For the reading see crit. n.

7 *creditum est:* sc. *mihi.*

regnum est: cf. n. on § 21, l. 7.

11 *honestius:* 'more creditably'.

Genitive

inimicitiarum modum statuere: with phrases like *modum* or *finem facere, imponere, statuere, adhibere,* and also *fidem facere,* the best writers nearly always use the construction *alicuius rei* not *alicui rei,* which only becomes common in silver Latin. See my n. on Acad. 2, 20 (second edition).

§ 49.

13 *agebatur:* 'was at stake'; so 83, p. 65, l. 10. For the circumstances see Introd. § 9. As to the change of construction in *cum agebatur...cum defenderent* see n. on 14, p. 39, l. 32.

Superlative as Substantive

14 *familiarissimis suis:* for the use of the superlative adjective as substantive cf. n. on 38, l. 24 *certum;* and my n. on Arch. § 7.

15 *suscensuit:* apodosis with double protasis (*cum...agebatur* and *cum... defenderent*).

defenderent: as *patroni* or *advocati; laudarent:* as witnesses to character; cf. n. on § 81, l. 26.

17 *disciplinam:* cf. l. 25 *vetere exemplo atque instituto.*

nullius: used as substantive here, because *neminis* was not in use; so § 85, p. 65, l. 33.

pericula: n. on § 20, p. 41, l. 31.

Impedio

ad propulsanda p.:=quod ad p. p. attinet. But Balb. 47 *nullo foedere a re publica bene gerenda impediretur,* which is the more usual construction. Ref. for ad p.p. after impedio?

Similis.

18 *iudicio dissimilis:* Cic. far oftener has the genitive than the dative with *similis, dissimilis;* see Madvig's elaborate n. on Fin. 5, 12. The rule once prevalent in schools that *similis* was used with the dative when external resemblance was intended, and with the genitive when the resemblance was internal or in respect of character, is, it may be hoped, now nearly extinct.

Conditional

19 *adflicto:=si adflictus esset.* Cic. avoided here the ordinary forms of conditional sentence because the contingency had become an actuality.

vobis: cf. below, § 50, l. 28.

20 *sicuti partus est:* cf. § 28, p. 45, l. 4 *potui, sicuti feci.*

honoris certamen: n. on § 14, p. 40, l. 3.

repetere: a legal term, properly used of suing for property of which one is wrongly deprived. The Torquati contended that, but for bribery, the consulship would have been theirs. So 89, l. 16.

21 *victi...vinceretis:* see n. on § 12, l. 14.

in campo: sc. *Martio;* cf. § 51, l. 10 *in campo consularibus comitiis.*

25 *integro officio:* 'without breach of obligation'. For *officium* cf. n. § 2, p. 35, l. 19.

§ 50.

26 *ornamentis:* cf. below, l. 29 *insignia*, with n.

28 *expetas:* cf. § 90, l. 25 *quid est quod expetas amplius?* The context there is very like this passage.

honos: not *honor*, which some editions wrongly give. See Appendix B.

29 *insignia:* so far as we know the only external distinction which young Torquatus could gain by his father's success was the right to display an additional *imago* among the family busts. For Cicero's words here and *ornamentis tuis* in l. 26, cf. § 88, p. 66, l. 27 *quae habebit ornamenta*, and l. 32 *honoris insignia atque ornamenta*, both expressions referring to the *ius imaginum*.

ornatus exuviis: Cicero's way of putting the circumstances is admirably suited to excite compassion. There is much in the same vein in §§ 89, 90; particularly § 89, l. 11 *ne corpus eiciatur*.

30 *iacentem:* 'lying on the field'; 'prostrate'; cf. 61, l. 27.

31 *hic:* adverb; 'in these circumstances', 'at this point'; so below § 67, l. 23, and often elsewhere. In the same sense *hoc loco* often occurs.

§ 51, P. 53.

3 *at:* Cic. here quotes an argument of Torquatus.

C. Corneli filius: see Introd. § 22.

5 *praemi:* in cases of conspiracy, the senate determined what rewards should be given to informers. With regard to many other offences, certain advantages were secured to *indices* or *delatores* by statute. For the construction *quod praemi* cf. n. on § 58, l. 32 *quidquam oneris*.

7 *quid est quod indicat:* § 54, l. 9 *quid ergo indicat?*

puerum: contemptuous for *adulescentem*.

8 *si vetera:* for the facts see Introd. § 10; for the ellipse n. on § 48, p. 5, l. 32.

cum Hortensio: adversative asyndeton; see n. on § 22, l. 30 *illud quaero*.

9 *ut ais:* evidently a mere hint thrown out by Torquatus.

illum conatum...cum voluerunt: Halm quotes a fragment of Cic. or. in toga candida: *praetereo illum nefarium conatum tuum, cum... caedem optimatum facere voluisti.*

conatum Autroni: see Introd. § 10.

11 *Autronium:* here begins the apodosis to *sin...*, which should have been in the form *Autronium vidi, Sullam non vidi*, but it is interrupted, and the sense only completed in the next sentence. [At the beginning of the apodosis there is a slight ellipse of words such as *hoc respondeo;* so in § 60, l. 17.]

12 *sed quid dixi:* for the correction cf. Verr. 4, 6 *nuper hominis nobilis eius modi, iudices, sed quid dico nuper? immo vero modo ac plane paulo ante vidimus* (so Halm). Often *dico* simply, as Sest. 53 *ipso die, die dico? immo hora atque etiam puncto temporis eodem.*

Labore 13 *nihil laborabatis:* 'felt no anxiety', a common use of *laborare* in Cic. (so § 61, l. 24; 92, l. 17), who also uses the word of bodily illness.
cf. also 88 l 2.

§ 52.

16 *adspirasse:* lit. 'breathed towards'; we should say 'that Sulla ever dreamed of then entering the *campus*'. With *adspirare* in this sense Cic. uses either *ad, in*, or an adverb, as Pro Quint. 89 *dixi domum Romae fuisse, quo iste ne aspirarat quidem.* Vergil has the dative in Aen. 12, 352 *equis adspirat Achillis.*

Adspiro

Atqui *atqui:* used here as very often by Cic. in introducing the minor premiss of a syllogism. The argument here is: 'Sulla did not appear in the *campus;* but if he had been in league with Catiline he would have appeared there; therefore he was not in league with Catiline'. It is important to realise that *atqui* is never a mere particle of transition, like *sed, autem* and *vero*. It always introduces a statement closely related to the statement immediately preceding. Sometimes (as here) the second statement extends or confirms the first; sometimes the second parries or weakens the first. Cf. Roby § 2213, Madvig on Fin. 1, 58.

Conditional. *si ..coniunxerat:* the indicative because the supposition is for the moment, and for the sake of argument, assumed to be true. so conabatur. 57

19 *signa criminis:* not quite 'proofs of crime', since *crimen* is in the best Latin never quite equivalent to our 'crime', but 'evidence for a charge'. Cf. my n. on Balb. § 6. [*Signa*, here like σημεῖα, 'indications', as opposed to τεκμήρια = *argumenta*, 'proofs'.]

20 *ipse:* 'in his own person'.

dubitat...informat: note the chiasmus here; see n. on § 3, l. 11.

et ut: for reading see crit. n.

dicitis: i.e. *tu et Cornelius filius.*

informat: literally 'moulds'; cf. Arch. 4 *artibus quibus aetas puerilis ad humanitatem informari solet.* The idea here is that Cornelius instructs or primes his son.

21 *adumbratum:* 'shadowy', 'unreal'. *Adumbrare*, like σκιαγραφεῖν, is properly 'to sketch in outline'. Cf. Cael. 12 (of Catiline) *habuit ille permulta maximarum non expressa signa, sed adumbrata virtutum.*

illa nocte: see Introd. § 18.

22 *inter falcarios:* 'in the street of the scythemakers'. Also mentioned in Cat. 1, 8, where Halm qu. Isocr. Areop. 48 ἐν ταῖς αὐλητρίσιν. Similarly *inter lignarios* in Liv. 35, 41, 10; cf. the 'Unter den Linden' in Berlin. Many streets in Rome were named from the tradesmen who inhabited them; thus we have *vicus piscatorius, sandaliarius, sigillarius* etc.

nocte etc.: the night between the 6th and 7th November.

23 *posterum diem Nonarum:* 'the day after the nones'; the genitive as in *postridie eius diei, post diem tertium eius diei* and the like phrases. Cf. n. 5 on p. 16.

24 *denuntiatione:* 'on an invitation from C.' The Latin word does not necessarily convey the idea of hostility which belongs to our word 'denuntiation'.

25 *acerrima...acerbissima:* Cic. has applied to *nox* adjectives strictly only applicable to the things done or said in the night. Trans. 'the night which, of all the times when the plotters met, shewed the greatest keenness and bitterness'. For another example of transference of epithets cf. 73, p. 60, l. 29; see also n. on § 89, l. 13 *haec.*

26 *manendi condicio:* lit. 'the terms on which they were to stay behind'; i.e. the purposes for which they were to remain in the city. Nägelsbach, Stil. § 64, 1, seems to understand by *manendi condicio constituta est* 'the determination was arrived at that they should stay behind', which interpretation can scarcely be correct. Cf. the phrase *nascendi condicio*, 'the terms imposed upon us at our birth' (Sen. ep. 11, 6); *nascendi lex* (Val. M. 2, 9, 1); also *sors nascendi* (Quintilian, Seneca Rh., Valerius Maximus).

27 *discriptio* := *distributio;* to be carefully distinguished from *descriptio* 'a plan'. For this word see my n. on Acad. 1 § 17.

29 *confitetur:* Cic. not only pretends to assume that the dislike of Cornelius to give information was due to his guilt, but actually gives the criminality a definite name.

officiosam provinciam: 'the very serviceable function'. ?

30 *prima luce:* the ordinary time for paying calls at Rome.

31 *lectulo:* the use of the diminutive is very common in Cic. in such passages, and here conveys something of pathos, as Halm points out.

§ 53, P. 54.

2 *Autronio:* cf. § 17, p. 40, l. 32 *exspectatus foris.*

3 *instruerentur:* the word implies *warlike* preparations.

5 *quo:* referred to a plural antecedent; so not unfrequently.

6 *Camerti: Camers* is the adjective from *Camerinum,* a city of Umbria; *Camerinus* comes from *Camerium,* an old town of Latium.

7 *quasi morbus quidam: quasi* and *quidam* are both used, separately and together, to modify metaphors (as here), or to apologise for expressions which may seem, on other grounds, strange or inaccurate. [Hence, in his philosophical works, Cic. often uses *quasi* and *quidam* when rendering unfamiliar Greek terms by Latin equivalents.] Cf. § 35, l. 21 *dicendi necessitas quaedam;* also § 75, l. 28 *nova quaedam illa immanitas*, where the *quaedam* adds a vagueness to the *nova* which really intensifies it: cf. the uses of τις, δή τις in Greek.

nihil vero minus: 'nothing certainly is farther from the fact'.

Catiliniarianum in Campania.

9 *quae...caruit:* cf. what Cic. says of Neapolis in § 17. The chief city of Campania, however, Capua, was certainly within the scope of Catiline's operations. See Sest. § 9; Sall. Cat. 30. The mention of gladiators below seems to connect Sulla with Capua, which was the great training-place of gladiators.

Gladiators.

§ 54.

11 *gladiatores:* see Introd. § 20.

Modal Abl.

Fausti simulatione: 'on a pretext furnished by Faustus'. The ablative is modal; see Kennedy § 151; Roby § 1236; and cf. § 55, l. 21 *precibus.* The genitive *Fausti* is explanatory or definitive; see n. on § 6, l. 17 *levitatis.*

Genitive

12 *ita...gladiatores:* ironical. For *ita* cf. n. on § 3, l. 17.

interpositi: the word often indicates unfair dealing, as in Caec. 71 *solent interponi falsae tabulae;* cf. also § 92, l. 12.

13 *quos:* Cic. often tacks his refutation on to the argument of his opponent, by the link of a relative pronoun. Cf. § 21, l. 9; § 90, l. 29; also § 31, l. 25.

Gladiators

deberi: sc. *populo*, as Halm remarks. It is important to remember that the exhibitions of gladiators, during the Republican period, were, in theory, unofficial; that is to say, the government did not provide for them, nor were the magistrates, as such, required to supply them. Moreover, they were avowedly *funeral games*, the death of some relative of the exhibitor serving as a pretext for them. The custom sprang up first in Etruria, and no doubt grew out of the superstition that the shedding of blood gave satisfaction to the dead.

14 *arrepta est familia:* 'a company was hurriedly engaged'. *Familia* is often thus technically applied to companies of gladiators; see Dictt.

Munus

15 *munus:* strictly, gladiatorial exhibitions and no others were called *munera*, lit. 'largesses'. Thus we often find *ludi* and *munera* mentioned together, to include all public exhibitions, of whatever kind.

praebere: Halm remarks that the person who *exhibits* the gladiators is said *munus edere* or *dare.*

utinam quidem etc.: Cic. insinuates that the company was insufficient

for its professed purpose, and therefore *a fortiori* insufficient for the purpose of waging war, alleged by Torquatus.

16 *non modo:* 'I will not say'. So in § 76, p. 61, l. 33.

17 *properatum vehementer est:* 'eager haste was shewn'. *Properare* (like ἐπείγεσθαι) refers to the mental anxiety for haste, and means 'to be in a hurry', not to be actually moving rapidly.

18 *quasi vero* etc.: probably Sulla the dictator mentioned in his will a term of years within which the exhibition was to take place.

19 *nec opinante:* in this phrase as in *nec opinatus*, and *negotium* for *nec-otium* (=ἀ-σχολία), the *nec* has the force of *non*, which it commonly took in early Latin.

§ 55.

21 *per quas* etc.: 'which he sent to entreat Sulla'.

precibus: modal ablative; cf. *silentio praeterire* (§ 62. p. 56, l. 31); *vitio creari* and the like; also n. on § 54, l. 11 *Fausti simulatione*. Cic. usually has some attribute with *precibus;* e.g. Qu. Fr. 1, 1, 41 *precibus tecum fraternis ago.*

22 *emat...emat:* see n. on § 18, l. 6.

23 *L. Caesarem:* son of the consul of the same name, who in 90 B.C. commanded an army against the revolted Italians. This L. Caesar was consul in 64, and lived on to the time of the triumvirate of Antony, Octavian and Lepidus. His sister was mother of Antony. The relationship between this Caesar and the dictator cannot be made out clearly.

Q. Pompeium: nephew of Faustus Sulla, being a son of Cornelia, daughter of Sulla the dictator. This P. took a considerable part in the stormy disputes occasioned by Milo and Clodius.

C. Memmium: husband of Faustus Sulla's twin sister Fausta, who was divorced and married Milo.

24 *quorum de sententia:* 'by whose advice'; cf. the phrase '*de consili sententia*'='in accordance with the opinion of his advisers', which stood at the head of every decree issued by a praetor or provincial governor; so in Balb. 11, where see my n. Less commonly *ex sententia.*

praefuit familiae: for this purpose he probably went to Capua.

26 *sed tamen:* 'but apart from that'; so in 38, l. 24; 44, p. 50, l. 24.

27 *obtulit se:* 'he offered his services'.

ferramenta: here 'weapons', as in Cat. 3, 10; Suet. Tit. 9 (of gladiators); more commonly 'tools' used in trades.

28 *omni tempore:* see n. on 17, p. 41, l. 1.

§ 56.

30 *Sittius:* for the circumstances see Introd. § 16.

ab hoc...missus: see Introd. § 20.

32 *L. Iulio...consulibus:* in 64 B.C. For *L. Iulio C. Figulo* cf. n. on § 11, l. 28 *Lepido.*

aliquanto ante: not a very ingenuous statement; the plot had been brewing for two years; see below § 67, l. 26.

33 *huius:* 'the recent'; so above, § 14, p. 39, l. 30, where see n.

P. 55.

3 *caussam...caussam:* the repetition is very like the repetition of verbs noticed in n. on § 18, l. 6.

4 *magna ratione* etc.: 'having important money transactions with the king of Mauretania'. For *ratione=ratione nummaria* or *pecuniaria* cf. Cluent. 41 *cum illo nemo iam rationem, nemo rem ullam contrahebat.*

5 *tum autem:* the third step in the enumeration, following on *primum, deinde.*

Sulla...gerente: 'while Sulla was his agent, and superintended the business'. The *procurator* (§ 58, l. 31) was originally the representative of a Roman citizen absent from Italy; and then generally any one nominated by another to act for him, particularly in legal business. Hence *procurator* often corresponds to our 'attorney'. Under the empire, the officials called *procuratores* were so named because they were the personal representatives of the emperor and had nothing to do with the senate.

7 *dissolutum: aes alienum dissolvere* is the opposite of *aes al. contrahere* (below § 58, ll. 27, 29).

8 *cupiditas...possessionis:* see below § 59. *Possessio* is here actual tenure or occupation, as distinguished from ownership (*dominium*), cf. below, § 71, p. 60, l. 9. The word is especially applied to the occupancy of lands belonging to the state.

9 *Sittio non fuerit:* 'did not exist for S.'

praediis deminutis: 'since his property had been trenched upon'. *Praedia* here is the landed property of S. taken as a whole.

§ 57.

iam vero: see n. on § 38, l. 19.

illud quam incredibile: in short emphatic clauses like this Cic. very frequently omits the substantive verb *est.* So § 71, p. 60, l. 6 *semper audax petulans libidinosus.*

11 *familiarissimum:* n. on § 38, l. 24 *certum.*

12 *amandare:* 'send off on commission to the ends of the earth'. Cf. Verr. 5, 69 *amandat hominem—quo? Lilybaeum fortasse.*

quo: 'to the intent that'.

14 *haec:* 'events here'. *Ipsa* must be taken with *per se*, not with *haec;* so § 67, l. 30 *ipsos per sese.*

sine coniunctione: 'even apart from any such connexion'. Cic. does not venture to deny the notorious fact that the conspirators hoped to raise trouble in Spain.

15 *an:* corresponds to *utrum* above.

16 *turbulentis:* 'fraught with trouble'.

17 *officiis...usu:* 'by services, by familiarity, by association'.

18 *veri simile non est ut:* this construction of *veri simile est* (in place of the accusative and infinitive) is rare outside Cicero's writings, and always occurs in negative sentences. Draeger (Hist. synt. II² p. 277) quotes no example from any writer between Cicero and Lactantius. Many expressions which are ordinarily followed by the accus. and inf. are thus occasionally used with *ut* and subj. With the former construction the fact which the clause contains is regarded as a fact merely, with the latter construction as an *inference* from some other fact. So render here 'it is not a likely inference that, etc.'.

21 *dimitteret:* the imperfect corresponds with *arbitrabatur, comparabat* above, and is the ordinary imperfect of action regarded as *attempted* not as *completed.* Here 'it is not likely that he took steps to send away from him...'. To say (with Halm) that *dimitteret* is in the 'potential mood' is only to mystify a very simple circumstance. Cic. preferred *dimitteret* to *dimiserit* here because it puts more forcibly the doubtfulness of the inference which he states to be so improbable. So Verr. 4, 11 *veri simile non est ut ille religioni suae pecuniam anteponeret* 'it is unlikely that he was *ever on the road to* setting his money above his religious scruples'; Vat. 5 *sed quaero a te cur C. Cornelium non defenderem* 'why I *never thought of defending* C.'. The reason for the imperfect *putaret* below, § 58, l. 27 is precisely similar. An unnatural explanation is given by many German writers of these and similar passages (where an imperfect subjunctive follows on a present indicative in the principal clause)—viz. that the imperf. subj. is the apodosis to a suppressed protasis. On this view in our sentence *dimitteret* would correspond to an omitted clause such as *etiam si cogitaret* 'even had he thought of it'.

§ 58.

ipse: this word shows that the cases of Sittius and Sulla are similar; they were both unlikely men to deal in conspiracy.

24 *populo:* with *bellum facere* the constructions *alicui* and *in aliquem* are about equally common.

ut...putaret: I take this *ut* to be consecutive 'so that'. Halm explains the words as equivalent to *ut credi possit eum putasse*, but this gives an awkward change of construction. For the *tense* of *putaret* see n. on l. 21 *dimitteret* above; for the change of tense from *exstiterit* to *putaret*, cf. n. on § 32, l. 12 *cuperet...haberet*.

cum...vicini: Halm curiously concludes from this passage that Nuceria, the town to which Sittius belonged, remained loyal to Rome during the Social war. Cicero's words rather make for the opposite conclusion. If all Sittius' neighbours (*ceteri...vicini*) revolted, and his loyalty was *unique* (*singularis*), the men of Nuceria must have been among the rebels.

28 *libidine:* 'reckless living'; cf. n. on § 16. l. 22 *libidinis*.

negoti: 'to carry on business' is in Latin *negotium gerere*, not *negotia*; cf. the expression *negoti gerentes* for 'merchants' in Sest. 97.

29 *ita ut:* n. on 31, l. 28.

31 *non commisit* etc.: 'he would not allow his agents to incur any trouble'.

procuratores: n. on l. 5, above. These were liable for their principal's debts.

quidquam oneris: this partitive genitive is, in passages like this, quite necessary, since *quisquam* is a purely *substantival* pronoun, and no such word as *quodquam* exists. But Cic. often prefers even *quod praemi* and the like to *quod praemium* and the like; cf. § 51, l. 5; 89, l. 16 *quod reliqui*.

33 *se spoliari maluit:* cf. n. on § 32, l. 11 *perire*.

§ 59, P. 56.

1 *a quo...timui:* for the construction *timere ab aliquo* cf. Roby § 1810.

quo genere: sc. *hominum;* the defining genitive is with *genus* oftener omitted than inserted in Cic.; see my n. on Cato m. § 4.

2 *tempestate:* n. on § 40, l. 17.

3 *illud genus* etc.: cf. Cat. 2, 18 *unum genus est eorum, qui magno in aere alieno maiores etiam possessiones habent, quarum amore adducti dissolvi nullo modo possunt*.

4 *amplexi:* Nägelsbach, Stil. § 119, 1, quotes the passage as an example of the way in which the Latins used participles, which, in the idioms of most modern languages, would be superfluous. He also cites § 76, p. 62, l. 2 *forma hominum indutae* 'in the shape of men'; Caes. B. C. 3, 101, 6 *Cassius exceptus scapha refugit* 'escaped *in* a boat', and other passages.

5 *divelli:* cf. *dissolvi* in Cat. 2, 18, quoted in n. on l. 3.

6 *cognationem:* cf. Balb. 56 (in answer to a taunt that Balbus had purchased a house which once belonged to a noble Roman family):

simul illud nesciebat, praediorum nullam esse gentem: emptionibus ea solere saepe ad alienos homines, saepe ad infimos pervenire. The sale of old family property brought with it great disgrace to the seller at Rome.

7 *ex susp. vindicavit:* this verb is also often constructed with *ab*; cf. n. on § 28, p. 44, l. 33. Trans. 'he protected himself against...'. *ref.?*

§ 60.

10 *iam vero:* n. on § 38, l. 19.

Pompeianos: see Introd. § 20.

11 *ut...accederent ad:* 'that they should set their hand to...?'

coniurationem...facinus: the passage is not exactly tautological. The *coniuratio* was a fact, but the *facinus* was in the main only contemplated, not realised.

12 *id cuius modi sit:* 'what it means'. *'I cannot make head or tail of it'.*

13 *an:* 'or is it that'; see n. on 5, p. 36, l. 32.

17 *primum:* slight ellipse of *hoc respondeo*, or words like them. See n. on § 51, l. 11 *Autronium.*

18 *patronos:* each community had to represent its interests at Rome one or more persons of influence. The office of *patronus* was generally hereditary in families. The first *patroni* of a *colonia* were usually the three commissioners appointed to superintend its foundation (*tres viri coloniae deducendae*); and Sulla was one of these; see § 62. *Patroni*

Note that Sulla's position as patronus was not affected by his proscription. See Introd. §9.

inveterasset: 'had grown chronic'; cf. § 24, l. 16.

19 *ita...ut:* cf. n. on § 31, l. 28.

cognita est...dissenserit: cf. n. on § 32, l. 10. *Cognoscere* is properly used of formal legal enquiry; see § 13, l. 17 n.

21 *sic:* is often in Cic. thus used as preparatory to an accusative and infinitive; so also *ita*, *hoc*, *illud* and the like. *Adverbs*

§ 61.

24 *adsunt laborant:* for the omission of *et* see n. on 44, p. 50, l. 33 *quieveris tacueris.* *Adsunt*, i.e. as *laudatores* (n. on 81, l. 26); for *laborant* see above, n. on § 51, l. 13).

26 *honore:* a reference to the lost consulships, Introd. § 9.

incolumem: as to *incolumis=qui calamitatem non est passus;* see n. on § 15, l. 17; and cf. Arch. 9 *Gabini quam diu incolumis fuit levitas, post damnationem calamitas.*

27 *quo:* for reading see crit. n.

iacet: cf. § 50, p. 52, l. 30.

iuvari: for the passive infinitive see n. on § 32. l. 11 *perire.*

28 *istis:* 'the prosecutors'.

29 *ita...ut:* see n. on § 31, l. 28.

Abstracts. *ambulatione:* 'promenade' or 'parade', as in Cic. pro domo 116; Catull. 55, 6 *in Magni simul ambulatione.* For the transition in meaning from 'walking' to 'place for walking' cf. such uses as *opinio* = 'reputation' (§ 10, l. 24); *existimatio* = 'character' (§ 77, l. 22); *stipatio* = 'a crowd' (§ 66, l. 18); *advocatio* = 'a body of supporters' (81, p. 64, l. 6); *tabulatio* 'story' (of a building), *optio* 'officer' etc.

Constitution of Pompeii. *suffragiis:* the position held by the old inhabitants of Pompeii (who were Roman citizens by virtue of the lex Iulia) with regard to the intruding soldiers of Sulla, cannot be exactly ascertained. For a time the soldiers probably held the original population down by sheer force, but as the military element died out, the old inhabitants recovered some of their rights. Cf. Introd. § 20.

cum colonis dissenserunt: put for *ab col. dis.*, on the analogy of *bellare cum aliquo* and similar expressions.

§ 62.

31 *silentio:* for the ablative cf. § 55, l. 21, *precibus* with n.

Quod-clauses explanatory. 32 *quod:* when *quod* introduces a clause *explanatory* of one which precedes (as here) the preceding clause always contains a demonstrative pronoun, generally in the neuter gender and standing as a substantive by itself, but sometimes (as here) in the masculine or feminine, in agreement with a substantive; cf. N. D. 2, 131 *sed illa quanta naturae benignitas, quod...*

33 *commoda...diiunxerit:* Cic. is obliged to speak cautiously of the cruel spoliation which attended the foundation of the military colonies.

fortunis...fortuna: for the play on words Richter well quotes a fragment of Naevius given by Cic. Tusc. 4, 67 *fortunam anteibo fortunis meis.*

P. 57.

1 *utrisque:* 'both classes'; ἑκατέροις; like the Greek word, and like *quisque*, ἕκαστος, the plural of *uterque* is properly used only of *groups* or *classes*.

carus...iucundus: these two words are very frequently thus joined by Cic.

2 *alteros:* 'the one class'.

Constituo *constituisse:* 'to have established the prosperity of both'. *Constituere coloniam* 'to found a colony' (cf. οἰκίζειν, οἰκιστής) is a common phrase, as in Cat. 2, 20 *homines ex eis coloniis quas Sulla constituit. Constituere* also often means 'to bring into a settled state', as in the common expressions *constituere rem publicam, fortunas.* Cic. intends the word to cover these two senses here.

① R. has not explained the use of ambulatione here. Why shd. they dispute about? : the colonists demanded rights of precedence. e.g., the inner side of the pavement, in the streets!

△ ? legendum ambitione.

4 *omnis ista vis:* 'all the alleged display of force'.

rogationis Caeciliae: cf. Introd. § 13.

5 *comparabatur:* singular verb with double subject, as above, § 44, l. 25, where see n.

6 *pudentissimum:* 'most honourable'; cf. n. on § 85, p. 65, l. 29 *pudori meo.*

7 *cuius ego* etc.: Cicero's answer here is most delicately managed. No doubt Autronius at least was ready to use force, and Sulla perfectly willing to connive at it and profit by it.

constantia: 'firmness', 'consistency'; so below § 73, p. 60, l. 29.

8 *tantum*: see n. on § 22, l. 18.

hunc: Caecilius was no doubt present in court.

10 *fuisse ut voluerit:* n. on § 32, l. [illegible]

cum: adversative asyndeton; so with *destiterit;* see n. on § 22, l. 30 *illud quaero.*

12 *deductus:* sc. *a consilio.*

§ 63.

12 *in ea re...in qua re:* see n. on § 43, l. 13.

14 *primum Caecilius:* there is anacoluthon, as a clause ought to follow beginning with *deinde Sulla.* The anacoluthon is of a very common kind; see Excursus I. to Madvig's edition of the *De Finibus.*

qui...reprehendis: quem would have been strictly correct, but when the verb which should govern the relative is separated from it by a considerable distance, as here, the relative is often constructed as though it formed part of the immediately succeeding clause; sometimes the construction is set right by inserting the antecedent at the end of the sentence, near the verb. Cf. Kühner, Gram. § 193.

si id promulgavit etc.: 'if he put forward a measure, which led men to think that he was anxious to annul a legal decision'.

res iudicatas: rem iudicatam might have been expected. But Cic. admits that the action of Caecilius threatened the stability of *all* legal judgments. No criminal case could, as a rule, be tried twice over at Rome; nor could any civil case, once decided, be reopened, unless unfair dealing were alleged. The *exceptio rei iudicatae*, or plea that the matter in dispute had already been tried, if made good by a defendant, brought a civil suit to an end.

15 *rescindere:* lit. 'to cut open'; freely used like our 'rescind'.

restitueretur: sc. *in pristinum statum*, or *in integrum* (as in Verr. 5, 12 quoted below).

16 *status:* n. on § 33, l. 31. For the context the edd. compare Verr. 5, 12 *perditae civitates desperatis iam omnibus rebus hos solent exitus*

exitialis habere, ut damnati in integrum restituantur, vincti solvantur, res iudicatae rescindantur.

Contineo 16 *maxime...continetur:* 'depends, more than anything else, on legal decisions', i.e. on their stability. The expression '*aliquid continetur aliqua re*' is very frequently met with in Cic.

17 *dandum* := *concedendum;* cf. n. on 22, l. 24.

19 *ferebat...referebat:* see n. on § 12, l. 14 *delata...probata.*

Nuper. 20 *eam quae fuerat nuper:* see Introd. § 9. *Nuper* refers to a time five years earlier. The word is very vague, and may cover very considerable periods of time; see my nn. on Lael. 13; Cato m. 27.

Enim. 23 *est enim: enim* often thus appears as third or fourth word in a clause, owing to its fondness for close attachment with the verb *esse;* see Madvig on Fin. 1, 43.

24 *manebat...levabatur:* cf. § 62, p. 57, l. 9 *non de tollenda sed de levanda calamitate.*

§ 64.

noli...alienare: 'do not try to estrange from our case'.

25 *ordinum:* see Introd. § 25.

Labefacto 26 *labefactare:* Cic. only uses the frequentative form, not *labefacere.*

30 *dicerem...dicerem:* see n. on § 18, l. 6 *veniebat et saepe veniebat.* After the first *dicerem, plura* is to be supplied.

31 *paulo etiam longius:* so Cic. generally says *multo etiam magis* etc.; cf. n. on § 3, l. 13.

32 *finis...offici:* 'the scope of our ordinary obligations'.

33 *propulisset:* a strong expression and somewhat rare in the metaphorical sense. The pluperfect tense is due to the conditional form of the sentence; had the sentence referred to future time and not to past it would have run thus: *defendam, si propulit* (cf. *si promulgavit* in § 63, l. 14); if the meaning be so expressed that the condition is regarded as not capable of being realised, we naturally have *defenderem, si propulisset.* propulsare however is common: eg p. periculum.

Sensus. *implorarem...vestros:* 'I should appeal to your fellow-feeling.' The plural *sensus* will often afford the best representative in Latin for our 'sympathy'; cf. Fam. 12, 15, 2 *homo mihi cum familiaritate, tum etiam sensibus in re publica* ('political sympathy') *coniunctissimus.*

P. 58.

2 *intimis.. cogitationibus:* 'your secret reflexions'.

§ 65.

3 *lex:* the omission of a particle, such as *igitur* or *enim*, is unusual. *fuit proposita:* this form of the perfect passive (as well as the corresponding form of the plup.) is comparatively rare before Livy. The sense here is 'remained during a few days as a project', while *deposita est* is 'it was laid aside, once for all'. Cf. Sest. 55 *recordamini legum multitudinem, cum earum quae latae sunt* ('which were carried, once for all'), *tum vero quae propositae fuerunt* ('continued to be mere projects'); also Roby § 1453.

4 *Kal. Ian.:* the first day of Cicero's consulship.

6 *nihil...prius:* 'no business took precedence of this'. Cic. here puts out of sight religious business, which always took precedence of all else in the senate. Moreover, custom required that the first business brought before the senate by a new consul should relate to religion.

Q. Metellus: named Celer. He held a command against Catiline in Picenum, and became consul in 60 B.C.

8 *egit de:* see crit. n.

9 *agrariae legi:* the law of Rullus, which was lost owing mainly to Cicero's vigorous opposition. We have in a tolerably perfect state one of the three speeches he made against it, and of the other two some fragments.

reprehensa et abiecta: 'condemned and repudiated'.

10 *intercessorem:* this takes the same construction as the verb *intercedere*; cf. *domum reditus* etc., also n. on 3, l. 16. But it is probable that *legis* should be read. We have the phrase *intercessor legis agrariae* in Liv. 2, 41, 7 and 4, 53, 4. The only other examples of *intercessor* followed by a case which I have been able to find in Cic. are Leg. 3, 11 *intercessor rei malae*, and Quint. Fr. 3, 8, 6 *i. dictaturae*—both doubtful passages.

improbis: the word implies the utter absence of any restraining principle. No one word in English exactly represents it. Perhaps 'unprincipled' is the nearest equivalent. Cf. *verbis improbissimis* in § 71, p. 60, l. 7 'language utterly unrestrained'; § 66, l. 16 *Autroni improbitate*, 'the desperate recklessness of A.' In Verg. G. 1, 119 *improbus anser* is the 'immoderate goose', whose appetite knows no control.

largitionibus: besides proposing to give away to individuals all the land belonging to the state, the law of Rullus directed that large purchases of land for distribution should be made at the expense of the exchequer. Cic. uses the word *largitio* of these distributions in Leg. agr. 1, 21; 2 §§ 10, 12, 16, 76; cf. too Phil. 11, 12 *agrum Campanum est largitus Antonius.*

11 *auctoritatem:* here 'the expressed opinion', whether embodied in a decree or not. Sometimes *senatus auctoritas* is used of resolutions of

the senate which were vetoed, and therefore had not the force of *senatus consulta*.

Onus officii

12 *onere...offici:* 'having acquitted himself of the burden of family obligation'. *Onus offici* is a common phrase in Cic.; we have *onus offici suscipere* in Rosc. Am. 112; Div. in Caec. 5.

13 *cogitarit:* see n. on § 32, l. 10 *fuisse...voluerit.*

§ 66.

in ipsa rogatione: rogatio is here the 'putting of the question' at the *comitia*. Trans. 'and even at the voting'.

Anticipatory Constr. (here inverted & perverted)

14 *Sullam aut Caecilium:* the strictly correct construction would have been '*ne per vim quid a Sulla aut Caecilio ageretur, quis tum nostrum verebatur?*' Trans. 'who among us at that time feared any violent proceedings, so far as Sulla and Caecilius were concerned?' The attraction into the principal clause of substantives properly belonging to a subordinate clause is particularly common with verbs of *fearing;* cf. e.g. Ter. Eun. 610 *metuo fratrem, ne intus sit;* commoner still with verbs of *knowing*, as Fam. 8, 10, 3 *nosti Marcellum, quam tardus sit.* Cf. n. on 88, p. 67, l. 3.

15 *nonne omnis* etc.: with this passage § 15 should be closely compared.

ille terror := *terror illius rei;* see n. on 12, l. 16 *istius suspicionis.*

16 *opinio:* stronger than *timor;* 'expectation'.

eius: emphatic; 'his were the cries'.

17 *voces:* the word is applied to animated or striking utterances: see e.g. Lael. 60.

ferebantur: 'were famed'. Cf. Arch. 21 *nostra semper feretur et praedicabitur...pugna illa navalis;* so often in Cic.

aspectus: cf. § 15, l. 15.

concursatio: cf. § 15, l. 12. *Concursare, concursatio*, like *volitare, volitatio* are generally used of movement directed to mischievous ends.

Abstracts.

18 *stipatio:* 'his following'. This is probably the only passage where the word has this sense; elsewhere it means 'the act of crowding together'. For the concrete sense of nouns in *-tio* see n. on § 61, l. 19 *ambulatione.*

greges: 'gangs'.

metum...adferebant: 'brought upon us panic and disorder'. *Metum seditionesque* is certainly not put for *metum seditionum*, as some edd. have thought.

Importunus

19 *importunissimo:* 'most disastrous'. *Importunus* is not (as has been often asserted, for example by Conington on Verg. G. 1, 470) a contraction for *inopportunus.* Both *im-portu-nus* and *op-portu-nus* are compound adjectives from the same stem as *portu-s*, a haven. If *porta* and *portare* be compared, it will be seen that *portus* is literally *the place to*

which one goes; opportunus is therefore literally 'favourable to a journey or an effort'; *importunus* being the opposite. In the not uncommon phrase *importunae volucres* 'birds that give unfavourable omen' we seem to have a clear trace of the original sense. From 'unfavourable' the word acquired the stronger meaning of 'foul', 'abominable'.

20 *honoris:* Introd. §§ 8, 9.

socio: the student must be careful not to make this depend on *coactus est;* Cic. of course does not employ the ablative of the agent after a passive verb without *ab*. The abl. here is rather one of 'attendant circumstances' (Roby §§ 1242 sq.); *hoc socio atque comite*='having this man for his ally and companion'.

secundas fortunas: for *secundam fortunam* or *secundas res*. I do not know why Halm and Richter mark this use of the plural *fortunae* as rare. Merguet's Lexicon to Cicero's speeches will supply thirty or forty examples, s. v. *fortuna*. See below, § 83, p. 65, l. 8; 89, l. 15.

22 *adlevamento:* a very rare word, found probably here only in classical Latin. In Fin. 1, 40 we find *adlevatio*, also rare. As Cic. uses *levamentum* perhaps half-a-dozen times (though not in his speeches), I am inclined to think that the *ad-* is a mistake of the writers of the MSS, induced by their habit of writing *atque* (which immediately precedes) in the form *adque*.

§ 67.

23 *hic:* n. on § 50, p. 52, l. 31.

epistulam: see Introd. § 11.

24 *Cn.:* see Appendix B.

summa re publica: a common expression for 'the most important interests of the country'; cf. e.g. Cat. 3, 13 *consului de summa re publica quid fieri placeret;* also Phil. 5, 46 *summo rei publicae tempore;* Verg. Aen. 2, 322 *quo res summa loco?*

25 *ex ea...quaeris:* 'you seek to get from it some charge against Sulla'. For *crimen* see n. on § 52, l. 19.

26 *si...scripsi:* 'in that I wrote'. Cf. Cat. 1, 31 *etenim iam diu, patres conscripti, in his periculis coniurationis insidiisque versamur, sed nescio quo pacto omnium scelerum ac veteris furoris et audaciae maturitas in nostri consulatus tempus erupit;* so Mur. 81.

furorem: cf. § 56, p. 54, l. 33.

biennio ante: see Introd. § 10. For the ablative cf. Roby § 1204.

conceptum: 'which was entered on'. Cf. § 16, l. 23 *flagitium concepit;* Verr. 5, 73 *furore concepto*.

28 *scilicet:* ironical; 'of course'; see n. on 21, l. 11.

is sum qui: 'I am the very man to...'

30 *audacter:* like *audacia*, has regularly a bad sense; cf. n. on § 16, l. 22.

ipsos per sese: cf. § 57, l. 14.

§ 68.

31 *de quo:* sc. *Sulla.*

33 *consulem:* 'as consul'; = *ut consulem* or *quasi consul esset;* cf. Arch. 19 *Homerum Chii suum vindicant;* Liv. 6, 7, 5 *me non agnoscitis ducem;* Hor. ep. 1, 7, 37 *saepe verecundum laudasti;* Val. M. 9, 15, 1 *C. Marium VII consulem avum vindicando.*

descendere: sc. *in forum.*

P. 59.

1 *consulem efficeret:* the student must carefully distinguish between *efficere aliquem consulem*, to carry some one's election as consul, and *facere aliquem consulem*, which merely means to give an individual vote in favour of a man's election as consul. [The *whole Roman people* is sometimes said *facere aliquem consulem* with the meaning that they vote for him.]

2 *operas:* 'hirelings'. Of this sense the Lexica will supply examples.

manum: 'an armed force'.

3 *concedas necesse est:* for omission of *ut* cf. n. on 46, l. 20.

4 *cum Catilinae suffragaretur:* i. e. 'as you assert'. So in 44, l. 24 *cum indicatus esset tuus inimicus. Suffragari alicui* (opposed to *refragari*) is properly 'to give a vote to a person', but is often used with the general sense 'to support'.

6 *neque tamen* etc.: 'and, apart from that, the type of character to which P. Sulla belongs, gentlemen, does not permit the allegation of the crimes mentioned, serious and abominable as they were'.

tantorum tam atrocium: as to the omission of *et* between *tantorum* and *tam* cf. Imp. Cn. Pomp. 31 *hoc tantum bellum, tam turpe;* Cat. 4, 16.

7 *P. Sullae persona:* see n. on § 8, p. 37, l. 30.

§ 69.

8 *faciam ut dicam:* the periphrasis as in § 20, p. 42, l. 4, where see n.

omnibus fere: the dubious *fere* should be noticed.

dissolutis: in Cicero's rhetorical works and speeches *diluere crimina* is ordinarily used with the meaning 'to refute the charges'. Cf. Rosc. Am. 82 *Eruci criminatio tota, ut arbitror, dissoluta est, nisi forte expectatis ut illa diluam.*

contra atque: this phrase, like *iuxta atque*, is not found much in Latin literature either before or after the time of Cicero.

9 *fieri solet:* all the Latin rhetorical writers direct that, in dealing with a criminal case, the arguments from probability should be placed before all others, and they declare that, of probabilities, those derived from a consideration of character should take precedence of the rest. Cf.

Cic. Inv. 1, 34 and 2, 28; Cornif. ad Herennium, 2, 5; Quint. 5, 10, 23 and 7, 2, 27; also Introd. § 35.

10 *vita...moribus:* these two words are very frequently thus placed together to represent 'moral character'. Cic. often expresses the Greek ἠθική by *pars philosophiae quae est de vita ac moribus.* See my n. on Acad. 1, 19; also below § 71, p. 60, l. 14.

de principio: in this phrase, as in *de die, de nocte, de* means 'immediately after'. Trans. 'as soon as I began', or 'at the outset'; and cf. Qu. fr. 2, 1, 3 *fac ut considerate diligenterque naviges de mense Decembri* ('as soon as December begins').

11 *occurrere:* 'to grapple with'; lit. 'to go forth to meet', ἀπαντᾶν.

12 *me aliquid ipso:* see n. on 3, l. 13.

quia: cf. crit. n.

13 *ipsa causa cogit:* cf. § 35, l. 27 *ipsa causa...flagitavisset.*

14 *animos mentisque:* properly *mens* is intellect, *animus* intellect and feeling combined. The two words constantly occur together in Latin, as here and Cato m. § 36; Lucretius even has *mens animi.*

16 *voluerit cogitarit: velle* is here simply to *desire*, *cogitare* to make a plan for realising the desire.

admiserit: so § 16, l. 24 *facinus admisit*, but in § 6, l. 11 *scelere commisso;* often *in se admittere.*

ex crimine ponderandum: the verbs *iudicare, aestimare, ponderare* take the construction *ex aliqua re* or *aliqua re* simply, to express the means by which the judgment is formed; so below § 79, l. 6. With the context Halm compares Cluent. 70 *perinde ut opinio est de cuiusque moribus, ita quid ab eo factum aut non factum sit, existimari potest.*

18 *neque repente* etc.: cf. the well-known words of Juvenal 2, 83 *nemo repente fuit turpissimus;* also below § 79, l. 14 (*vitam*) *subito flecti fingique non posse.*

§ 70.

19 *circumspicite...mentibus:* cf. Leg. agr. 2, 45 *illud circumspicite vestris mentibus.*

21 *adfines sceleri:* so Cat. 4, 6 *huic* (*facinori*) *adfinis*, and elsewhere; but above, § 17, p. 41, l. 2 we have the genitive construction, which is not uncommon.

Catilina: the sentence is intentionally rendered abrupt by the omission of a particle to connect it with the preceding sentence.

23 *conatum esse* etc.: 'that a desperate attempt had been made by a man who from childhood had been induced not only by his unsteadiness and criminality, but by habit also and inclination, to take part in every kind of villany, debauchery, and bloodguiltiness?'

24 *intemperantia:* ἀκολασία: *scelere:* see n. on 16, l. 21.

25 *studio:* the whole context greatly resembles Sall. Cat. 5 *huic ab adulescentia bella intestina, caedes, rapinae, discordia civilis grata fuere, iuventutem suam exercuit.*

27 *civile latrocinium:* contemptuously said for *civile bellum*. So, addressing Catiline, Cic. says (Cat. 1, 27) '*tantum profeci ut id quod est abs te scelerate susceptum, latrocinium potius quam bellum nominaretur*'.

Lentuli: for the circumstances see Introd. § 18.

28 *societates:* see n. on § 26, l. 15 *operae.*

Spies r Private Detectives at Rome.

indicibus: here = professional informers or spies, of whom numbers existed at Rome. Cf. n. on 14, p. 40, l. 1. In Mur. 49 Cic. speaks of Catiline as having been 'walled round with spies and assassins' (*vallatum indicibus ac sicariis*), and again in Sest. 95 as 'always surrounded by assassins, fenced in by armed men, and fortified by spies' (*stipatus semper sicariis, saeptus armatis, munitus indicibus*).

insaniam libidinum: 'his mad caprices'.

29 *perversam...religionem:* 'depraved and godless superstition'. Cf. Introd. § 18. *Religio* is often thus equivalent to *superstitio*, as in Verr. 4, 113 *tanta religione obstricta tota provincia est, tanta superstitio mentis Siculorum occupavit.*

Adverbs

30 *nefarie...stulte:* adverbs taking the place of objects to the verbs. *Sic, ita, male* are thus often used; see my n. on Cato m. § 16, l. 19.

C. Cethego: see Introd. § 18.

31, 32 *in Hispaniam profectione:* see above, n. on § 3, l. 16.

Metelli: best known as the commander against Sertorius, 79—71 B.C.

carcer: the *Tullianum* or *carcer Mamertinus*, on the Capitoline hill, built, according to tradition, by Servius Tullius.

§ 71.

33 *ne sit infinitum:* 'lest the task should prove endless'. The impersonal phrases *longum est, infinitum est* etc. are constantly employed where we should use hypothetical expressions 'it *would be* a lengthy task' etc. So below, § 80, l. 19 *grave est.*

longum est, etc.

tantum: n. on § 22, l. 18.

P. 60.

1 *cognitum est:* i. e. after formal enquiry; cf. § 13, l. 17 n.

Ab

3 *ab sua vita...damnatum:* the ablative with *ab* after a passive verb, when the noun is personal, is only found in the best Latin when the (2) noun is capable of being personified. See my n. on Acad. 1, 15 (ed. 2); and cf. § 73, p. 60, l. 32, below.

(1) From Reid's silence, I suppose that nothing further is known about these two circumstances.

(2) What does he mean by this? what about 'ab iniquitate locorum oppugnantur' in Liv. 21. 33. 5? perhaps: wh. can be made the subject of a transitive verb: cf. §

4 *finitimum* etc.: 'is most closely associated with the danger and the charge which hangs over my client'.

5 *periculo:* n. on § 20, p. 41, l. 31.

6 *semper...libidinosus:* for the omission of *est* see n. on § 57, l. 10.

petulans: far stronger than our 'petulant'; *petulantia* is almost equivalent to *impudicitia;* cf. Cat. 2, 25 *ex hac parte pudor pugnat, illinc petulantia.* Originally the word must have meant 'readiness to attack' (*petere*).

7 *defensionibus:* the word *defensio* has only one sense in Cic., viz. that of *a statement* in defence of some action or opinion; strictly *a statement* made in a court of law. The words we have here must therefore indicate that Cethegus was wont to appear as the advocate of culprits tried for licentious conduct. Cic. speaks of him in the Brutus § 241 as having a clear and loud voice, but no other merit as an advocate. Our passage cannot mean (as some edd. have understood it) that Cethegus used abuse and violence when himself attacked for his own immoral conduct.

verbis improbissimis: 'the most abandoned language'; see n. on § 65, l. 10.

8 *pugnis et calcibus:* a proverbial expression for 'extreme violence'; cf. Plaut. Poen. 4, 1, 3 *incursat pugnis calcibus;* Cic. Tusc. 5, 77 *certantes pugnis calcibus;* Verr. 3, 56 *pugnis et calcibus concisus;* similarly Brut. 221 *lateribus pugnans* (of an orator). Recent editors take the words as an allusion to the very violent action with which they suppose Cethegus to have accompanied his speeches. The ancient rhetorical writers laid down elaborate rules for the use of both hands and feet in oratory, and gave cautions against excess. Cf. Quint. 11, 3 §§ 85—136, particularly § 118 *ut manum...ita in tergum flagellet, ut consistere post eum parum tutum sit, aut...temere sparsa manu in proximos offendat;* § 89 *abesse plurimum a saltatore debet orator.* I cannot help thinking, however, from the general purport of the sentence here, that Cethegus had been guilty on some occasion of using physical violence, when advocate, against some witness or supporter of his opponent.

9 *possessionibus:* see n. on § 56, p. 55, l. 8.

10 *sociorum:* Cethegus had been guilty, like Catiline (Cat. 1, 18), of cruelly oppressing the provincials.

disturbare: above, n. on § 15, l. 10.

11 *contemnere:* see n. on § 25, p. 43, l. 33.

12 *rei p. cedere:* 'to bow to the public welfare'.

fortunae ipsi: for the allusion see Introd. § 10.

13 *huius...eum:* the pronoun *is* regularly repeats the more emphatic pronouns *ille* and *hic;* cf. Acad. 2, 29 with my n. (ed. 2).

si...teneretur: 'if the case against him were not proved by the most patent facts'; lit. 'if his case were not convicted', *huius causa* being put

for *hic* (see n. on § 4, l. 27). Cf. Cluent. 7 *eam causam quae convicta ac damnata sit.*

14 *mores ac vita:* n. on § 69, l. 10.

ipsius: more emphatic than *sui* would have been; 'his personal character'.

§ 72.

Agedum 15 *agedum conferte:* like *age, agedum* is used without regard to the *number* of the persons addressed. Livy first used *agitedum;* and *agite* was at all times rarer than *age,* when several persons were addressed. *Dum* was originally the accusative of a noun *d(i)us,* with the same meaning as *dies; dum* probably at first meant 'for a time'. This sense is clear in the archaic *primumdum.* When tacked on to an imperative it corresponds to the Greek enclitic *νυν* and our unemphatic 'now'. In the Latin of Plautus and Terence the enclitic *dum* was attached freely to other words, chiefly imperatives, as *iteradum, tangedum, cedŏdum;* but in the Latin of Cicero and later only *agedum* and *agitedum* are found.

Ellipse. *cum illius vitam:* for *cum illius vita vitam;* cf. Verr. 4, 45 *ut non conferam vitam tuam cum illius;* Plin. H. N. 4, 75 *quartus e magnis Europae sinus;* Halm also qu. Marcell. 22 *ex unius tua vita pendere omnium;* Phil. 11, 9 *conferre vitam Treboni cum Dolabellae.* In our passage the reading *vitam* is decidedly to be preferred to *vita,* because it is awkward to have an epithet *notissimam* without the substantive in agreement being expressed and also to have no object for *conferte.* So in Marcell. 22 *vitam* should probably be read to avoid the awkward omission of the subject to the infinitive.

18 *commissum:* this participle would hardly have been used as a substantive but for the influence of *factum.*

paulo...consideratum: 'even slightly imprudent'.

Minus = non. 19 *minus:* here, as below, § 80, l. 23 and often, almost equivalent to a negative. Hence came French *més-* (in *més-alliance* etc.) and our *mis-*.

Sequence. *videretur:* imperfect, although *est* precedes, the sense being 'is there on record any action of his which seemed *at the time when it took place...*' Roby § 1517 quotes several examples of similar sequence.

factum quaero? this form of correction is common with *dico* (see n. on § 51, l. 12) but rare with other verbs.

Offendo. 20 *in quo...offendi:* Cic. has both *offendere* (intransitive) and *offendi in aliqua re,* or *aliqua re* simply, but the passive form is much the rarer; cf. Sest. 105 and Mur. 47. Cf. below, § 84, l. 17 *in quo repugnet.*

22 *quis...mitior:* see however Introd. § 8.

23 *quam multorum:* note that *quot,* which is an indeclinable *adjective* only, could not be substituted here. We could however have *quot homines*

Deprecor. *vitam...deprecatus:* as Richter points out, Cic. in Verr. 5, 125 uses *deprecari mortem* in the same sense as *deprecari vitam* here. Both uses

of *deprecari aliquam rem*, to beg that something may be spared, and to beg that some punishment may not be inflicted, are pretty common.

24 *nostri:* sc. *senatorii.*

equestris ordinis: cf. Cluent. 151 *L. Sulla...odium habuit in equestrem ordinem.*

25 *se Sullae obligavit:* i.e. he made himself formally responsible to the dictator for the good behaviour of these persons.

27 *maius est* etc.: because in a commonwealth no man's life ought to be at the mercy of any individual.

28 *ideo...ipsi:* 'on that account I beg of you to attribute his power to circumstances, and his exercise of it to himself'.

§ 73.

29 *reliquam:* the epithet properly belongs to *vitae*. This transference of epithets (*hypallage*) is occasionally met with in all writers; cf. e.g. Verr. 2, 123 *ne plures essent in senatu ex colonorum numero quam ex vetere* (for *veterum*) *Agrigentinorum;* Verg. Aen. 8, 526 *Tyrrhenus tubae clangor.* See also above, § 52, l. 25 n.

constantiam: above, n. on § 62, p. 57, l. 7.

30 *moderationem:* = σωφροσύνην. } cf. pro Murena : odit populus Romanus

31 *splendorem:* = μεγαλοπρέπειαν. }

ita...ut: cf. n. on 31, p. 45, l. 28.

deformata: 'marred'. *Deformare* is to draw awry, or to draw an ugly sketch; cf. Caecin. 14 *ille quem supra deformavi* 'he whose repulsive picture I have already sketched'; Mur. 88 *imaginem clarissimi viri deformatam ignominia.*

32 *a fortuna...a natura:* as these nouns are personified, the preposition goes with them after the passive verb; see n. on 71, p. 60, l. 3.

incohata: the best MSS decidedly favour this spelling of the word, not *inchoata.* The verb is connected with an old adjective *cous*, another form of *cavos*, which passed to *covos*, *cous*. In *incohare* the *h* is caused by the phenomenon of false aspiration to which ancient languages were subject, as well as modern. *Incohare* is therefore literally 'to hollow out', hence 'to sketch in outline', 'to lay down the first lines'; cf. *in-formare.*

33 *quae...cotidiana:* 'what daily crowds of visitors!'

familiarium...amicorum: the former word of course indicates a closer tie than the latter; cf. § 2, l. 15 *familiaris...necessarius.*

P. 61.

2 *diu multumque:* a favourite phrase with Cic.; see my n. on Cato m. § 9.

4 *verum tamen* etc.: 'but after all such a blow as men thought his life and disposition had made it possible for him to suffer'. Cic. implies that men will not think so if he is now convicted, because '*non cadit in hos mores...ista suspicio*' (§ 75, l. 26).

5 *honestatis:* here of mere external rank; more often used of the inner character, and equivalent to our 'virtue' or 'morality'. With the context cf. Shakespeare's well-known lines 'if it be a sin to covet honour' etc.

Personal Passive 6 *habuisse iudicatus est:* the construction called by grammarians '*nominativus cum infinitivo*', in place of the ordinary impersonal verb with the accusative and infinitive (*eum habuisse iudicatum est*). So below, § 84, l. 16; Cluent. 125; Mil. 11; cf. also such uses as Phil. 5, 14 *excusetur Areopagites esse;* Prop. 5, 11, 36 *in lapide huic uni nupta fuisse legar;* and my n. on Lael. 35 *deserere.*

7 *cupidior:* 'more selfish'. ?

9 *in hoc* = 'in his case'.

§ 74.

11 *demissum adflictumque:* these two participles are not parallel with, but explanatory of *maerentem;* otherwise *que* could not have been attached to *adflictum*; see n. on 12, l. 5. Trans. 'in sorrow, because he was humbled and crushed'. an absurd statement.

Lux 13 *lucem vitare:* cf. *lucifuga*, used of a man who lives in retirement (generally with a hint at some evil purpose). Cic. not unfrequently has *lux* for 'the public gaze'; cf. Cato m. 12 *nec ille in luce modo atque in oculis civium magnus, sed intus domique praestantior;* Att. 3, 19, 1 *qui lucem omnino fugerem;* Q. fr. 1, 1, 9 *in luce Asiae, in oculis clarissimae provinciae;* Brut. 32 *forensi luce carere.*

Invitamenta *invitamenta:* a favourite word with Cic. He has the similar word *incitamentum* only once (Arch. 23); *inritamentum*, common in later Latin, he does not use. Trans. *m. inv. urbis* 'many attractions in the capital'.

Brachylogy 15 *cum lege retineretur:* cf. Introd. § 27. i.e. exsilio non multatus esset; a sort of Brachy

16 *paene*: qualifies the whole expression *exsilio multavit*; *paene* = 'I may almost say'.

in hoc pudore: 'with honourable feeling like this'.

hoc vos p.: see n. on § 3, l. 13.

20 *cum crimine recognoscite:* 'review in connexion with the charge'.

§ 75.

mitto rem p.: 'I put out of sight the national interests'. For *mitto* cf. § 22, l. 30.

Cupidus 22 *cupidos:* 'fond'; so often, as Planc. 55 *multi amici, multi cupidi tui.*

res secundae ornatae: cf. Arch. 16 *haec studia secundas res ornant, adversis perfugium ac solacium praebent.*

secundae...adversae: note the *chiasmus* (n. on § 3, l. 11).

23 *perire voluit:* see n. on § 32, l. 11.

25 *vitam:* observe the *coniunctio* (n. on § 12, l. 11).

turpissima: 'with a disgraceful death in view'.

26 *non cadit in:* 'does not square with'; a common phrase in Cic.

28 *nova quaedam:* cf. n. on § 53, p. 54, l. 7 *quasi morbus quidam.*

ac singularis: 'and even unique'.

29 *ex multis...exarsit:* for the general drift of these words cf. § 76, p. 62, l. 9 *ex magnis...erupit.*

ab adulescentia: 'from youth onwards'.

collectis: 'incurred'; cf. *colligere invidiam* in Verr. 5, 19; Verg. Georg. 3, 327 *c. sitim.* The sense of our passage is not (as it has sometimes been understood) 'from many faults brought to a focus' (as though *collectis* meant *in unum collectis*).

30 *ista tanta:* n. on § 18, l. 5. Trans. 'the great abomination of this unparalleled villany'.

importunitas in. sceleris: = importunum atque inauditum scelus. For the whole expression cf. n. on 4, l. 27; also 70, l. 28 *insanium libidinum;* and for the sense of the word *importunitas* n. on § 66, l. 19.

31 *exarsit:* from *exardesco;* in classical Latin there is no such word as *exardeo.*

§ 76.

hominum...beluae immanes ac ferae: there was no word Cic. loved more to use of his adversaries than *belua,* as a glance at the word in Merguet's Lexikon to Cicero's speeches will shew; it nearly always has one or several of the epithets *fera, taetra, immanis, importuna, pestifera.* With our passage cf. Piso fr. 6 *quae te beluam ex utero non hominem fudit.*

33 *non modo:* see n. on § 54, l. 16.

P. 62.

2 *ex portentis:* 'to be reckoned as monstrosities'. For *ex* cf. n. on § 27, l. 25 *ex imaginibus.*

3 *indutae:* see n. on § 59, l. 4 *amplexi.*

4 *nihil...vehementius:* 'there is nothing on our side which can be stated with greater emphasis'. *Hac causa* is opposed to *illa causa,* 'our adversaries' side of the case'; cf. Caecin. 77 *cuius auctoritati dictum est ab illa causa concedi non oportere.*

7 *turpitudines:* n. on § 26, l. 15 *operae.*

8 *notas:* 'stains'.

parricidiorum: cf. n. on § 19, l. 25; but Catiline was charged with having murdered several near relations; so the word may here have its proper sense.

9 *acervos:* cf. Scaur. § 4 *acervo quodam criminum.*

11 *confecta et eiecta:* the metaphor is from the digestion of food; cf. N. D. 2, 137 *cibus confectus;* also Quint. 10, 1, 19 *lectio non cruda sed multa iteratione mollita et velut confecta.*

12 *illis pestibus:* trans. 'those plague-spots' or 'that poison'. *Pestis* is another of Cicero's favourite terms of abuse.

13 *haec:* see n. on § 32, l. 11 *haec omnia.*

15 *Furiae:* the Furies are often described as driving men on from crime to crime till their final destruction.

quaedam: n. on 53, l. 7.

§ 77.

16 *gregem:* 'gathering'.

cum hoc vivont: 'associate with my client'. The phrase *vivere cum aliquo* implies close intimacy; often it means 'to stay at some one's house', as in Acad. 2, 115.

18 *hoc...numero:* see n. on § 39, p. 49, l. 3. For the readings here see crit. n.

hac fam. dignitate: for *familiaribus hac dignitate;* cf. § 75, l. 30 *tanta importunitas inauditi sceleris.*

19 *partem:* 'faction'. ? Cf. § 9, l. 7 n.

sedem: Halm aptly quotes Cluent. 171 *nisi forte existimamus illum ad inferos impiorum supplicia perferre...ab uxorum, a fratris, a liberum Poenis actum esse praecipitem in sceleratorum sedem ac regionem.* Cf. also Virgil's and Horace's use of *sedes;* as Hor. Od. 2, 13, 23 *sedes piorum;* Verg. Aen. 6, 328 *prius quam sedibus ossa quierunt.*

20 *ubi erit:* cf. the common Greek phrase οὐδαμοῦ εἶναι.

21 *quo in loco:* 'on what occasion?' *Locus* is often used of *time*, as in the phrases *ad id locorum*, Liv. 22, 38, 12; *inde loci*, Lucr. 5, 443.

22 *existimationis:* 'character'; i.e. what *is thought* of a man; for the passive sense of the verbal noun in *-tio* cf. also *opinio* = 'reputation' in § 10, l. 24, and n. on § 61, l. 29 *ambulatione.*

23 *dimicatione fortunae:* = *d. de fortuna;* cf. n. on § 14, p. 40, l. 3.

24 *non aderit:* see n. on § 14, p. 40, l. 8 *afuerim.*

nihil: for the accusative cf. n. on § 9, l. 4.

§ 78.

25 *quaestiones servorum:* see Introd. § 36.

27 *gubernat...infirmat:* the verbs go in pairs (cf. n. on 4, l. 12); in *gubernat moderatur* the metaphor is from the steering of ships, in *regit flectit* from the guiding of horses. Trans. 'inquiries by torture are piloted by pain, are governed by individual qualities both of mind and body, are directed by the presiding officer, are turned aside by passion, are tainted by hope, and undermined by fear'.

cuiusque: this is not in agreement with but dependent on *animi;* cf. Cicero's well-known expression *mens cuiusque, is est quisque* (Rep. 6, 26), and for the double genitive n. on 82, l. 15.

28 *quaesitor:* one who presides over a criminal court (*quaestio*) of whatever kind. The young student should be careful not to confound this word with *quaestor* as some of the writers of the MSS have done here.

libido: sc. *quaesitoris.* For the word see n. on § 16, l. 22.

29 *spes:* the hope of the slave, either to obtain reward, or to have the torture stayed.

tot: probably in agreement with *rerum,* not with *angustiis.*

30 *vita...torqueatur:* 'let the life of P. Sulla be put upon the rack'.

31 *num quae:* see Appendix B.

occultetur...lateat: the former word is much stronger than the latter; cf. n. on § 7, l. 24.

32 *facinus:* when left without an epithet, this word always has a bad meaning; *pulcerrimum facinus* however, and the like expressions, do occur.

P. 63.

1 *vox:* for the metaphorical use, cf. Scaur. 16 *rerum vox est naturae vestigium, veritatis nota.*

debet esse: with this order of the words the emphasis is on *esse,* with the other order (*esse debet*) it is on *debet.* So *putat esse* and *esse putat, potest esse* and *esse potest* are about equally common. It is often erroneously said that Cic. avoided *esse potest* at the end of a clause because of the dactylic rhythm; it is not true that he did avoid it, and the order of words in these cases depends on emphasis only. Cf. n. on 31, p. 46, l. 4 *velis esse.*

2 *nihil:* for the emphatic repetition of this word cf. my n. on Cato m. 13; also cf. § 83, p. 64, l. 32 *adeo.*

§ 79.

5 *vestra...qui:* so § 80, l. 17 *nostra qui.* For the reference of the relative to an antecedent not exactly expressed, cf. Vat. 29 *nostra acta,*

quos tyrannos vocas; Acad. 2, 103 *Academia...a quibus,* where see my note.

5 *elegantia:* 'refinement'. *Elegans* is properly 'choice', 'nice', 'neat', 'precise', and very nearly corresponds to the Greek κομψός. It is often applied to statements, such as legal formulae, which have the merits of clearness and compactness. For its application to conduct, cf. Cato m. 13 *est etiam quiete et pure atque eleganter actae aetatis placida ac lenis senectus.*

6 *ex libidine...ponderari:* so above, § 69, l. 16.

libidine testium: for *testibus libidine imbutis;* cf. 4, l. 27 n.

8 *periculis:* cf. n. on § 20, p. 41, l. 31.

10 *armis suis:* 'its proper defences'.

11 *munite...bonorum:* 'strengthen the common stronghold of all right-minded men'. The *arx* is the blameless life, and these words form the contrast to *nolite (vitam) armis suis spoliatam atque nudatam obicere invidiae.* As to the metaphorical use of *arx* see n. on § 33, l. 32.

12 *obstruite perfugia:* 'cut off the retreat'.

valeat: sc. *vita.*

13 *per se ex s. n.:* the word *ex* is probably a corruption here, as Cic. so frequently uses the phrases *sua sponte, sua natura* and the like, side by side with *per se,* without any connecting link.

14 *subito...posse:* cf. § 69 end.

§ 80.

15 *semper:* see crit. n. The sense seems to be 'at every turn'; i.e. in a case relating to the conspiracy of Catiline, it is not possible for Cic. to avoid constant reference to his own views.

17 *quid?* this takes up again the interrupted question introduced above by *quid vero?*

coniurationis caussis: for the objective genitive cf. n. on § 14, p. 40, l. 3.

18 *abstinuimus:* as Halm remarks, Cic. when speaking of himself does not use the plural so often in his speeches as in his other writings.

P. Sullam: adversative asyndeton; see n. on § 22, l. 30 *illud quaero.*

19 *grave est:* for *est* a modern would be inclined to write *sit;* see, however, the n. on § 71, p. 61, l. 33. Trans. 'this is an offensive thing to say, gentlemen, offensive, if we are suitors for anything'. Cicero returns to this in § 85. The phrase *grave dictu* occurs in Phil. 9, 8; cf. also *difficile dictu* (Lael. 24) and *incredibile dictu* (common).

20 *si adpetimus...silent:* note the chiasmus (n. on § 3, l. 11).

23 *libertatem:* 'freedom of speech', παρρησίαν, as so often in Tacitus. Cf. § 25, p. 44, l. 1 *sentire libere.*

si minus: above, n. on § 72, l. 19.

§ 81.

24 *uno nomine:* see n. on § 21, l. 13.

25 *adfuerunt:* n. on § 14, p. 40, l. 8.

26 *laudarunt:* testimony as to character played an important part in Roman trials. This testimony was often borne not merely by individuals, but by communities and corporations, and much of it was of a purely conventional character. Cf. § 49, l. 15. As to the circumstances alluded to here see Introd. § 12.

27 *cognita:* n. on § 13, l. 17.
amicum:=eum, quia amicus erat.

29 *non insequebantur:* 'they did not bear hardly upon...'
parens tuus etc.: see Introd. § 12.

32 *ad eum:* for *ad se*, by a rare use, the circumstance narrated in *post... coniurationem* being regarded from Cicero's point of view, and not from that of Torquatus' father. So in Brut. 220 (*Curius*) *orator vivis eius aequalibus proximus optimis numerabatur;* Mil. 39 *qui* (*Pompeius*) *cum decretum de me Capuae fecit, ipse Italiae cunctae cupienti et eius fidem imploranti signum dedit.*

33 *non credidisse:* adversative asyndeton again; above l. 18.

P. 64.

1 *alio:* 'a certain other'; put for *alio quodam*, not *alio ullo*.

4 *illa res prima:* the information mentioned above, concerning the first conspiracy.

5 *debuit esse gravior:* 'ought it to have had more weight?'
ipsa: strengthens *etiam;* 'even in the very midst of surmise of danger to himself'.

6 *humanitate:* the real motive, as Halm remarks, was fear. *Humanitas* is 'gentleness', 'kindliness'; that softening of disposition which comes of culture.
advocationem...honestavit: 'gave respectability to the body which supported that abandoned wretch, by appearing in his chair of office'. For *advocatio* in the concrete sense, cf. Sest. § 119 *scio quid haec advocatio postulet*, and n. on § 61, l. 29 *ambulatione*.

7 *sella curuli:* we learn from this passage only that magistrates appeared in full official *insignia* when they went into court to offer a *laudatio*.

§ 82.

9 *idem:* above, n. on § 34, l. 5.

10 *caussam dixerunt:* 'were placed on their trial'; the regular meaning of *caussam dicere*.

11 *scelere adstrictis:* cf. § 6, l. 18 and Verr. 4, 71 *tanto scelere obstrictum.*

12 *adiumenti...opis...auxili:* cf. n. on § 46, l. 15.

13 *animo in:* 'affection for'; cf. § 12, l. 5.

14 *tacita...loquitur:* 'though silent, is eloquent'. For the oxymoron (or intentional contrast of words which when strictly used contradict each other), cf. Sest. 40 *qui hominibus omnia timentibus tacendo loqui videbantur;* Cat. 1, 18 (*patria*) *secum tacita loquitur;* ib. 21 *cum tacent clamant;* Div. in Caec. 21 *etiam si taceant, satis dicunt.*

15 *cuiusquam ornamenta orationis: cuiusquam* is not in agreement with *orationis* (that would be impossible, since *quisquam* is a *substantival* pronoun), but depends on the words *ornamenta orationis* taken as one whole expression; so precisely Fin. 1, 14 *Platonis, Aristoteli, Theophrasti orationis ornamenta;* Brut. 163 *Scaevolae dicendi elegantia;* cf. Madvig on Fin. l. l.; also above, § 2, l. 18; 78, l. 27.

17 *quibus...res publica:* 'which nearly wrecked the country'.

18 *quis non* etc.: for the historical circumstances, see Introd. §§ 18, 19.

19 *optime:* see crit. n.

sensit: see n. on § 25, p. 44, l. 1.

20 *praecipue:* 'exclusively'. *Praecipuos* denotes something *peculiar* to the person or persons spoken of, and is nearly equivalent to *proprius.* For example, our word 'privilege' is often best rendered in Latin by *ius praecipuum.*

haec...est laus ut: 'such praise is due that...'; the clauses beginning at *ut constet* are explanatory of *haec laus.*

22 *post...memoriam:* 'within the memory of man'; a phrase like *post homines natos.*

23 *ordine:* 'body', so Flac. 43 *senatorium ordinem,* and often.

25 *descripti:* 'depicted', 'characterized'. The word often implies that bad features in a character (like *deformare,* n. on 73, p. 60, l. 31) are represented; thus Pis. 68 *non contumeliae caussa describam quemquam:* Phil. 2, 113 *ista tua minime avara coniunx* (*Fulvia*), *quam ego sine contumelia describo.*

tantum quod satis esset: see n. on § 39, l. 10.

27 *ex:* see n. on § 27, l. 25 *ex imaginibus.*

28 *omni:* 'all possible'; this emphatic use is common.

§ 83.

30 *sed quid ego?* as to the reading see crit. n.

laudavi...adfui: above, § 81, l. 25 *adfuerunt...laudaverunt.*

31 *reo...non adfui:* some of the ancients contended that Cicero did defend Catiline on one occasion. This view is strongly combated by Asconius in his notes on the speech '*In toga candida*'. As Cicero's letters shew that he was quite ready at one time to appear as Catiline's advocate, if it would have served his own ends, the controversy is unimportant. Cf. Introd. § 12. For *non adfui* see n. on § 14, p. 40, l. 8.

testimonium: cf. Introd. § 21.

32 *sanitate:* n. on § 17, p. 40, l. 33.

adeo: n. on 78, p. 63, l. 2 *nihil.*

33 *constantiae meae*: 'consistency with myself'; cf. § 62, p. 57, l. 7 n.

P. 65.

1 *consul:* see n. on 31, p. 46, l. 3.

bellum: cf. 28, p. 45, l. 8.

2 *eorum ducem:* 'one of their chiefs'.

in animum inducam: the expression *in animum inducere*, though met with in Plautus and Terence, once in Sallust, and frequently in Latin prose from Livy downwards, is found here only in our texts of Cicero, who elsewhere has *animum inducere* alone. It seems probable that our MSS are here at fault and that *in animum inducere* is one of the many archaisms reintroduced into Latin prose by Sallust and Livy. The preposition *in* was very readily inserted and omitted by writers of MSS.

3 *rettuderim:* a favourite expression with Cic.; so pro Dom. 63 *coniurationis tela retundere*; Cat. 3, 2 *gladios in rem publicam destrictos rettudimus;* Cluent. 123 *censorii stili mucronem r.*

flammam: see 28, p. 45, l. 3 and Introd. § 19.

5 *medius fidius:* i.e. *me deus fidius* (from *fides*—cf. Ζεὺς πίστιος) *adiuvet.*

6 *animi:* note the *coniunctio;* see n. on § 12, l. 11.

7 *natura...insitum:* φύσει ἔμφυτον. *Naturā* is here adverbial (like φύσει) not a personification such as we had above with *vita*, § 71, p. 60, l. 1, where see n.

8 *fortunis:* above, n. on § 66, l. 21.

10 *agatur:* as above, 49, l. 13.

11 *in hoc scelere:* 'as touching this crime'. That *in hoc scelere* here is not a mere substitute for the genitive of the crime, the following passage will shew: Phil. 2, 9 *te in isto ipso* ('in that very matter') *convinco non inhumanitatis solum, sed etiam amentiae.*

12 *renovetur:* especially used of recollection. See my n. on Acad. 1 § 14.

13 *ego committam* etc.: 'am I the man to induce people to think'. Cf. 44, p. 50, l. 31 *tu...ementiare*, with n.

14 *casu:* cf. Cat. 3, 29 *ita me in re publica tractabo ut meminerim semper quae gesserim, curemque ut ea virtute, non casu gesta esse videantur.*

§ 84.

15 *quid ergo?* A favourite mode with Cic. of introducing a new point. Also often *quid ergo est?*

tibi sumis: 'do you arrogate so much to yourself?'

dicet fortasse: cf. Roby, Gram. Vol. II, Pref. pp. ci sq.

16 *quispiam:* see n. on § 41, l. 25.

iudicetur: see n. on § 73, p. 61, l. 6.

17 *in quo repugnet:* cf. the common expressions *gloriari*, *offendere in aliqua re* (n. on § 72, l. 20).

19 *reddo ac remitto:* so Planc. 73 *remittere atque concedere;* Fam. 5, 10, 2 *remitto tibi et condono. Adsumere* is opposed to *remittere* in Planc. 56 also.

in ea re publica versor: 'my public policy is not of such a kind'. Cf. Balb. 14 *cum in tanta re publica versere, et maximis negotiis praesis.* With the context the whole of § 28 should be compared.

20 *obtuli:* Cat. 3, 28 *eos qui se pro salute vestra obtulerint invidiae periculisque omnibus;* Pis. 21 *unum me pro omnium salute obtuli.*

pro...periculis: see n. on § 20, p. 41, l. 31.

Adj. as Subst.. 23 *invidi:* substantival, as in Planc. 1 *meos invidos*, and often. Cf. n. on 38, l. 24 *certum.*

the use of an adj. as subst. is esp. noticeable when it is qualified itself by an adj..

§ 85.

24 *cui senatus* etc.: Cic. often boasts of the unique honours decreed to him on the occasion. The *supplicatio* was generally decreed in consequence of a victory in the field. Hence *togato* here contrasted with *paludato.*

26 *non defenderem* etc.: this would be equivalent to asking the jury to accept as a conclusive proof of innocence the fact that Cicero was counsel for the defence. Hence it would be offensive (*grave*) to the jury.

27 *non dico...dico:* see n. on § 3, l. 11.

Adsumo. *dico illud* etc.: 'I make a statement which I shall not claim to make in view of my position but in view of my sense of honour'. For the construction *adsumere aliquam rem alicui rei* cf. Planc. 56 *ut eorum reprehensionem vos vestrae prudentiae adsumere, meae modestiae remittere debeatis.*

28 *caussis coniurationis=caussis de coniuratione:* so above, 80, l. 17; see n. on 14, p. 40, l. 3.

29 *pudori:* in interpreting *pudori* to mean 'modesty', Halm and Richter seem to have misunderstood the drift of the argument. Cic. means 'you must believe me as a man of honour (for *pudori* cf. *pudentissimum* in § 62, p. 57, l. 6) when I say that I would never have acted as counsel for Sulla if I had supposed him to be one of the conspirators. But my means of information were so ample that if he had been in the plot, I must have known it'.

ego ille: see n. on 27, l. 26 *meae me.*

32 *omnia, multa...non omnia...omnia:* observe the chiastic arrangement (n. on 12, l. 11).

33 *initio dixi:* §§ 14, 17, 20.

§ 86, P. 66.

3 *di patrii:* the *di patrii indigetes* of Verg. Georg. 1, 498.

penates: not here, as Halm says, the gods who maintain the individual households in the state, but rather the *penates publici* who watch over the collective interests of the community.

6 *vestro numine:* above, n. on 40, l. 14.

7 *integro...libero:* 'with my judgment uncorrupted and unenslaved'.

8 *sciente:* cf. n. on § 19, l. 30 *cum scirem.*

10 *nihil comperi:* Cic. seems to have repeatedly announced in the senate concerning the Catilinarian conspiracy '*se comperisse omnia*'. The phrase became a cant one at the time, and Cic. was often taunted with it; see my n. on Acad. 2, 62 and cf. Decl. in Cic. 3 *qui nihil poterat... de eo tibi compertum erat.*

§ 87.

11 *idem:* see n. on 34, p. 47, l. 5; also on 20, p. 41, l. 30.

alios...ceteros: see n. on § 9, l. 13. Cic. means that he was *vehemens* regarding Catiline himself and his followers who were summarily executed, *inexorabilis* towards those who were afterwards brought to trial, and sought his support.

15 *quam qui lenissimus:* for this expression cf. Fam. 5, 2, 6 *tam sum amicus rei publicae quam qui maxime;* ib. 13, 3 *tam gratum id mihi erit quam quod gratissimum.*

in quo:=in ea re in qua; cf. n. on § 4, l. 24.

16 *praecipitanti:* n. on § 1, l. 13.

17 *misericordia* etc.: 'it was pity for my fellow-countrymen which led me to use severity, but only so much as was needful'. This theme is

much dwelt on in Cat. 4, c. 6. For *tam* in the restrictive sense cf. n. on *tantum* in § 22, l. 18.

19 *una nocte:* Introd. § 18.

20 *suscepta:* 'adopted'; cf. n. on § 22, l. 20.
sed ut etc.: § 8 should be closely compared.

21 *voluntate:* cf. § 8, p. 38, l. 2.

§ 88.

23 *nihil...multa:* observe the chiastic arrangement (n. on 12, l. 11).

24 *propulsandae...caussa:* i.e. the condemnation for bribery will still remain, even if you acquit him.

25 *confugit:* probably perfect, not present.

26 *ne quae:* see Appendix B.
nota...inuratur: Cic. is fond of metaphors of this class; cf. e.g. Phil. 13, 40 (of Antony) *quem ego inustum verissimis maledictorum notis tradam hominum memoriae.*

Reliquus 28 *habebit...reliquae:* for readings see crit. n. *Reliquos* (like λοιπὸς) often bears the sense of 'future.'
ornamenta: with especial reference to the loss of the *ius imaginum.*

29 *credo:* n. on § 11, p. 38, l. 33.
aperientur: Cic. here says of the *imagines* what strictly belongs to the *armaria*, where these *imagines* were kept. Cf. n. on 27, l. 25.

30 *vestitum:* the senatorial garb.

32 *generis:* the stock from which he comes, the Manlian family; *nominis:* the name his branch of the family bears (the Torquati); *honoris:* the official rank he had himself attained.

33 *exstinctor patriae* etc.: cf. Introd. § 27.

P. 67.

1 *hanc...sceleris:* 'such a stain of grievous crime'.

Pronouns 2 *id laborat:* the demonstrative pronouns are often thus inserted, where not absolutely required, for the sake of clearness or emphasis: cf. e.g. Fam. 7, 26, 2 *lex sumptuaria, quae videtur* λιτότητα *attulisse, ea mihi fraudi fuit.* For *laborat* see n. on 51, l. 13.

3 *conscelerati:* the *con-* is strongly intensitive; so above, 28, p. 45, l. 5.

Attraction. *huic puero:* probably dependent on *metuit* ('he fears for this boy') and not on *relinquat* at the end of the sentence, with which *ei* must be understood from *cui.* There is therefore a kind of attraction; see n. on § 66, l. 14.

1) a curious mistake: the sentence quite obviously refers to Sulla, not Torquatus

4 *cui...sit* : = *cum ei sit* etc.; cf. n. on 27, l. 28.

honoris fructus : cf. § 50, p. 52, l. 29 *insignia honoris*, with n.

§ 89.

7 *at ut* : see n. on § 41, l. 26. It is quite possible, however, that *ut* here is not a mere repetition of the preceding *ut*; the sense of *ut adflicta* may be 'so far as is to be expected in his crushed fortunes'. For this use of *ut* in parentheses cf. Cato m. § 12 *ut in homine Romano* with my n.

8 *iudiciorum* : for *ad iudicia*; genitives of this class are common after *iter via semita*, as after ὁδός and similar words in Greek.

9 *et fori* : for the fulness of expression Halm compares Brut. 21 *deflevisse iudiciorum vastitatem et fori*; see also crit. n. on 39, p. 48, l. 27.

campi : boys, as well as men, took exercise in the *campus Martius*.

disciplinarum : 'places of instruction'. The word is to be referred to both kinds of instruction, not mental only (Halm) or physical only, with reference to the *campus* (Richter). Cf. pro imp. Pomp. 28 *pueritiae disciplinis*; Flac. 5 *illius aetatis disciplinis*.

10 *vita* : a rhetorical exaggeration for *status*; not life itself was at stake, but all that makes life valuable.

11 *ne corpus eiciatur* : a reference to exile. See Introd. § 27. For a rhetorical piece in the same style with this cf. Sex. Rosc. 71, 72.

laboramus : n. on § 51, l. 13.

12 *quid...reliqui* : n. on § 58, l. 31 *quidquam oneris*; so *quod reliqui* in l. 16.

13 *haec* : for *hoc* by attraction; so below, 89, l. 25 *lucisne hanc usuram* for *lucisne huius u.* The idiom is common, especially in Cic.; cf. e.g. Cato m. 35 *alterum illud exstitisset lumen civitatis*, where *illud* is for *ille=Africani filius*. In my n. three other passages will be found. Refer also to n. on 52, l. 25 *acerrima*.

vita : cf. the common phrases *vitam esse nullam*, *βίον οὐκ εἶναι βιωτόν*.

15 *fortunis* : n. on 66, l. 21.

16 *repetit* : n. on 49, l. 20.

17 *cum parente* : probably his mother.

fratre : see Introd. § 13.

18 *id* : n. on l. 2, above.

§ 90.

20 *par erat* : for *par est*; the sense is 'it was long ago right'. So often *aecum erat* for *aecum est*. In the phrase *par est*, *par* 'even' has the sense of *aecum*. Cf. my n. on Lael. 15 *fuerat aequius*.

21 *vos:* father and son; cf. § 12 etc.

22 *honoris:* for the genitive cf. n. on 14, p. 40, l. 3.

23 *cum honore:* 'along with his office'.

24 *cum...sit:* 'seeing that he is undone by this most unhappy and most disastrous mischance'. *De-stituo*, the opposite of *con-stituo* (cf. § 33, l. 25 *in castris...constitutus*) here retains something of its original meaning, and *destitutus sit* is almost equivalent to *iaceat*, for which see n. on § 50, l. 30.

Hyperbaton of Pronoun

25 *lucisne hanc usuram:* for *lucisne huius usuram* which occurs in Rab. Post. § 48 (in a very similar appeal to the jury). For the transference of the pronoun cf. n. on § 89, l. 13 *haec*. *Usura* is 'the right to enjoy', originally used much like *possessio* (n. on § 56, p. 55, l. 8).

26 *plenam:* n. on 28, p. 44, l. 33.

Fut. Perf.

27 *reddiderit:* 'will surrender it on the spot'. For the tense see Roby 1485. It is certainly indicative, not subjunctive.

28 *adempta:* a strong word to use of a disgrace which was only impending.

an vero: n. on 5, p. 36, l. 32.

29 *ut expellas:* Halm (and after him Richter) makes these words depend on *quid est quod expetas* in l. 25. But I doubt whether an example of a clause with *ut* dependent on *expetere* can be produced of earlier date than Tacitus. I therefore suppose *ut* to follow on *vis* in l. 26, with change of construction from *eripere*. [The verb *expetere* is in classical Latin generally used either absolutely or with the accusative of the object after it.]

cuius: n. on 54, l. 13 *quos*.

§ 91.

31 *omnibus centuriis:* if (as is the common view) there were at the time 10 centuries in every tribe, and 18 equestrian centuries besides, this unanimity is very remarkable. But perhaps Cicero's statement is to be taken *cum grano salis*.

32 *renuntiatus est:* by the presiding consul, who was technically said *renuntiare* the result of the election. The election was not complete till this formality was gone through, and there are instances on record of the voting being renewed, after it had been once completed, but before the *renuntiatio* took place.

Exclamation

o falsam spem etc.: 'how deceptive were his hopes! how fleeting was his success! how blind was his ambition!' Cic. has both nominative and accusative after the interjection *o*, but after *en* and *ecce* the nominative only.

33 *praeposteram:* if Cic. wrote this word here, it must imply that the congratulations came out of their due order; that men ought to have

awaited first the result of the trial *de ambitu*. I cannot help thinking that Cic. really wrote *praeproperam*, which occurs in his letters and yields a far more satisfactory sense.

P. 68.

5 *relictus esse: videbatur* is to be supplied from *videretur*.

6 *quae coepit*: there is an ellipse of the infinitive *urguere*, since Cic. does not use *coepi* absolutely, as do Sallust, Livy and later writers. Cf. Lael. 68 *ipso equo nemo est quin eo quo consuevit libentius utatur quam intractato et novo* (with my n. there); Leg. 1, 29 *flecteret quocumque coepisset*.

repperit: the subject is still *fortuna* not *Sulla*.

§ 92.

10 *vestrae* etc.: cf. Acad. 1, 43 *tuae sunt nunc partes*. In this sense of 'rôle', Cic. employs *partes* always not *pars*.

12 *reiectione interposita*: for the facts to which this difficult expression refers see Introd. § 26: as to the word *interposita* cf. n. on § 54, l. 12.

13 *repentini*: cf. Leg. agr. 3, 10 *repentinus Sulla nobis exoritur*.

14 *ad spem*: Cic. does not use *in spem*, nor does he employ *in* to denote purpose, as other prose writers do, beginning with Livy.

a fortuna: n. on 71, p. 60, l. 1.

17 *laboravi*: 'felt anxious'; n. on 51, l. 13.

§ 93.

21 *animi*: 'spirit'.

22 *convenerit*: sc. *accusatoribus*.

23 *in quo*: for *in qua re*; see 31, p. 45, l. 25 n.

APPENDIX A

ON THE TEXT.

[Remarks affecting the text will also be found in the explanatory notes on the following passages, viz. 14, p. 40, l. 1 *indicium;* 18, l. 14 *sedibus;* 32, l. 12 *perire;* 34, l. 5 *idem;* 39, p. 49, l. 4 *nescire dixit;* 43, l. 14 *nomen sit;* 65, l. 10 *intercessorem;* 66, l. 22 *adlevamento;* 72, l. 15 *vitam;* 79, l. 13 *per se;* 91, l. 33 *praeposteram.*]

The best information as to the MSS sources is still to be found in K. Halm's recension of the text contained in the second edition of Orelli's Cicero, which was begun by Orelli, and continued after his death by Baiter and Halm. The volume containing the speech for Sulla appeared in 1856. Halm's text is mainly derived from a comparison of the evidence of the following authorities;

T = codex Tegernseensis, now in the Munich Library; the only high-class MS which contains the whole of the speech.

V = codex Vaticanus no. 1525, which ends at the words *periculo meminisse* in § 43.

A = quotations from the speech made by the Scholiasta Bobiensis.

E = codex Erfurtensis now at Berlin. This now only contains a fragment beginning with the word *repetundis* in § 81, and going to the end of the speech. Another Erfurt *codex* is quoted by H, whose readings are here denoted by Erf.

B = Brussels MS no. 9763; which has a great number of peculiar corruptions, but often agrees with T V A E in preserving the right reading. The readings of this MS bear a great resemblance to those of a '*codex Parcensis*' quoted on the margin of Manutius' edition of 1554.

S = codex Salisburgensis Aulicus, now at Munich.

Besides these there exist a large number of MSS of Italian origin, which are pervaded by corruptions from which the above are more or less free. Halm attributes the principal importance to T V A and of these T naturally has the greatest weight. I incline to think that Halm

has followed it too implicitly, and have myself not unfrequently departed from its readings where Halm accepts them. In many passages I have consulted a MS in the Library of the University of Cambridge, marked Dd XIII 2. It was written in 1443, but was probably copied straight from a MS two or three centuries older. In the '*Pro Sulla*' its readings (which I denote by C) shew a most remarkable agreement with those of Halm's B, but I think C has fewer corruptions. I can only here select a small number of textual difficulties for comment; but my text throughout has been formed after a careful weighing, even in small points, of all the material I could get. I denote Halm's readings by H, and where that letter is given without further comment the reading is that which stands in the second edition of Orelli.

§ 1.

l. 13 *redomiti:* so MSS except B (*confusi*) and C (*contusi*). For a defence of *redomiti* see explanatory n. [T divides the word into *re domiti* which some edd. have accepted.]

revicti: my correction for *victi*, which edd. keep; the change seems to be absolutely demanded by the rhythm of the clause.

§ 2.

l. 17 *necessitudinem:* so T V C H; other MSS *necessitas*. Gellius 13, 3 quotes Caesar for the use of *necessitas* with the sense of *necessitudo*, but it is foreign to Cicero.

p. 36, l. 2 *vidit:* so T V C; B has the word after *deminiturum;* other MSS have *iudices*, with *speravit* or *putavit* after *deminuturum*. In many MSS *vidit* would be indistinguishable from the first five letters of *iudices*. So in 21, l. 11, V alone has preserved the right reading *videlicet:* the other MSS have *iudices:* and in 39, p. 48, l. 33 only B T give *videlicet*, the rest either drop the word or write *iudices;* in 41, l. 22 *vidi* is given by B T, *iudices* by the rest: in § 76, p. 62, l. 3 B gives *videte* for *iudices*.

§ 3.

l. 13 *mihi:* so all MSS except V *michi me*, whence H *mihine*, but the interrogative particle is not a necessity (cf. § 45, l. 4; Draeger, Hist. Synt. § 156) and the *me* is clearly an insertion due to the fact that Cicero so often writes *meae me, mihi me* and the like: cf. 35, l. 26.

§ 5.

p. 37, l. 1 *excelsissimam:* so H after V only; other MSS *celsissimam*, which may be right, as Cic. uses the simple adjective elsewhere, though not in his speeches.

l. 5 *qui in:* so H with V; other MSS omit *in*. H in his small edition also omits it. But the preposition is required by Cicero's usage (cf.

§ 48, p. 52, l. 3 *in coniurationis quaestione defendere*). Even the best MSS insert and omit the smaller prepositions with the greatest caprice; many examples occur throughout this speech; cf. also my ed. of the speech for Archias, p. 75. In the present passage *qui in* would readily pass through *quin* to *qui*. [Cf. below, n. on § 36, p. 47, l. 29 *ab Allobrogibus*; also § 55, l. 26 *in munere*.]

§ 6.

l. 16 *deserendos:* H after V only; T B C *defendendos;* C omits *non* before *putant*.

§ 7.

l. 20 *non collegae:* H in ed. min. gives *nonne c.* after V, but cf. my explanatory n.

l. 24 *non modo non:* V om. the second *non;* but *non modo* cannot stand for *non modo non*, unless a negative follows in the succeeding clause. In 26, l. 17 all MSS but 4 or 5 omit the second *non* where a negative follows; in such cases its insertion only adds to the emphasis thrown on the first negative.

Non modo non

§ 9.

l. 11 *tunc princeps:* so T V; but it is very doubtful whether Cic. used *tunc* before a consonant. Cf. 52, l. 28 where T B C give *tum tuus*, the other MSS *tunc;* in 87, l. 18 E T have *tum fuimus*, the rest *tunc*.

§ 12.

l. 16 *animo:* the inferior MSS have *enim*, a common confusion. For *animo* cf. 26, l. 19; also Cat. 3, 4 (where *auribus* and *animis* are contrasted).

§ 13.

l. 24 *defensionis:* the word is in T B C, but omitted by most MSS and by H in ed. min.

§ 14.

p. 40, l 2 *nulla suspicio:* these words are thought by Mommsen to be a gloss, and to have been brought here from § 20, p. 42, l. 3; see however my explanatory n. on *indicium*. If there has been any transference, it is rather from § 14 to § 20, where the words are preserved by only a few MSS.

l. 5 *is se:* T V H; other MSS *ipse*.

l. 8 *non adfuerim:* T V B C have *non affuerim;* the other MSS *abfuerim* without *non*. Either reading might be justified; see expl. n.

§ 15.

l. 12 *concursatione:* my correction for *concursu.* For *concursatio* cf. § 66, l. 17 with expl. n.; it gives precisely the meaning here required, of running to and fro on mischievous errands, which is not conveyed by *concursu.*

§ 16.

l. 26 *mediocriter:* my correction for *mediocri.* The expressions *mediocris sermo, m. congressus* are strange; the adverb improves the structure of the sentence, and the final syllable of *mediocriter* would readily drop off with *sermone* following. So in 17, l. 32 T has *lentu* for *Lentuli;* in 32, l. 11 *omni* for *omnia.*

§ 17.

p. 40, l. 31 *signa:* after this MSS have *legiones,* which gives an absurd sense: cf. explan. n.

§ 18.

l. 13 *mihi ipsi:* T has *ipse,* but cf. 13, l. 18 *quibus ipsis periculum conflari putabatur.*

§ 19.

l. 26 *patri et filio:* marked as gloss by H in ed. min., also by Richter and others. But the Marcelli at this time were difficult to distinguish; the addition of the words therefore seems natural.

§ 20.

p. 42, l. 3 *nulla suspicio:* so V Erf. only; cf. n. on § 14.

§ 25.

p. 43, l. 29 *non anteponere:* so H after T V; B omits *non;* C has *non aut eponere,* which is practically the same reading as that of T V. Inferior MSS and most edd. before H give *ante non ponere,* which is impossible in Cic.

§ 27.

l. 24 *replices:* this may be an error for *explices,* which might easily pass to *eplices, replices.* Cf. explan. n.

§ 28.

p. 44, l. 32 *in qua urbe:* the MSS except A have *et* after *memini,* and it probably ought to be restored. Immediately after A T V give *verser;* the rest omit the word.

§ 29.

l. 13 *solum:* nearly all MSS have *modo solum*, but these two words are not joined in good Latin; though *solummodo* occurs late.

§ 30.

l. 22 *P. Lentuli:* Garatoni and others have marked this as a gloss; but Lentulus is here mentioned separately as the leader of the conspiracy in Rome after Catiline left. Cf. Introd. § 18.

l. 24 *de laqueo:* my correction for *de Lentulo* of T V; B has *Lentuli* and the other MSS *P. Lentuli* as above. The transitions to *lanqueo, lancueo, lantulo, lentulo* are easy, particularly as *Lentulus* was mentioned two lines above. For a similar corruption cf. Leg. 2, 60 where MSS have *longae coronae;* in which passage I think *longae* has come from *lautae* through *lantae, lancae.*

§ 31.

p. 45, l. 30 *oratoris est:* I have added the *est*, which, as is well known, readily falls out in MSS, particularly after a word ending with *s*, in which cases it was often written together with the preceding word, thus: *oratorist.* The omission of the substantive verb in Cic. is strictly limited and the present sentence lies outside the ordinary limits of Cicero's usage. [Cf. explan. n. on 57, l. 10.] Illustrations of the readiness of MSS to drop *est* are found in 6, l. 17 where *est* after *levitatis* is omitted by V (Halm with T only writes *culpa est*); in 20, p. 41, l. 33, where T V give no *est* after *enim;* in 35, l. 22 V leaves out *est* after *impositа;* in 39, p. 49, l. 4, B has no *est* after *ausus;* similarly, in 54, l. 17, T only has *est;* in 56, p. 55, l. 7 no MSS have preserved it; in 62, p. 57, l. 1 T omits; and so on through the remainder of the speech.

§ 33.

l. 19 *adeste:* so T B V C S; other MSS and most edd. before H give *adestote;* it is very doubtful whether Cic. used this form of the imperative from *esse.*

adstatis: my correction for *adestis*, which I cannot believe Cic. to have written after *adeste* above. Some MSS (not T V B C S) add *corpore* or *corporibus* after *adestis.*

§ 34.

l. 4 *ne quis:* so B only; H and edd. generally *ne qui;* but (though the matter cannot be absolutely determined) it is hardly likely that Cic. would use this adjectival form of the pronoun, where *improbus* is evidently felt as an epithet, not as an adjective put for a substantive. Cf. 39, l. 28 *aliquis* (MSS *aliqui*); 41, l. 26 *aliquis...naufragus* (so MSS); 43, l. 17 *ne quis...posset* (MSS *ne...qui*).

l. 5 *idem:* Cic. may have written *id*, as MSS mix up the two words a good deal; cf. 31, p. 45, l. 29, where B has *idem.*

§ 35.

l. 26 *me meus:* Orelli's em. for *meus* of MSS. Cf. 27, l. 26 *meae me*, where B omits *meae;* also n. on 3, l. 13 above.

§ 36.

p. 47, l. 29 *ab Allobrogibus:* the preposition is absent from all MSS excepting A B V (even from T C). Cf. explan. n. on § 66, l. 20 *socio;* also crit. n. on § 5, p. 37, l. 5 *qui in.*

p. 48, l. 8 *suspicari viderentur:* all MSS except T V E have *suspicareniur* (so C). This class of error is common; cf. e.g. Acad. 2, 70 where MSS give *facerent* for *facere dicerent.*

§ 39.

p. 48, l. 27 *in quaestionibus et iudiciis:* H with A and one inferior MS gives *indiciis.* The interchange is one of the commonest in MSS; but it seems to me unlikely that Cic. after speaking of the court would go back to the information. In *quaestionibus et iudiciis* we have an example of Cicero's characteristic fulness of expression; so in 89, l. 8 *iudiciorum et fori.*

l. 28 *aliquis:* MSS and edd. *aliqui;* but see my explanatory n., and crit. n. on § 34, l. 4, above.

l. 32 *ipse:* T only; the rest *ipso;* see explan. n.

p. 49, l. 4 *nescire dixit:* H with B only *se nescire;* but the *se* is unnecessary; see explan. n.

§ 40.

l. 20 *convertistis:* so T V B C only; the rest *contulistis;* the error being due to *praetulistis* in the next line.

§ 42.

p. 50, l. 6 *deinde quid feci?* H and most other edd. put ? at *deinde*, leaving out that after *quid.* Huldrich proposed the punctuation I have adopted, quoting Caec. § 24 *quid? testes quid aiunt;* cf. also Sull. § 36, p. 48, l. 4 *quid tum Cassius?*

l. 11 *tota Italia:* so H in ed. min. after Madvig; MSS have *toti Italiae*, except V which gives *totae* and so shews the source of the error.

§ 43.

l. 17 *ne quis:* MSS and edd. *ne qui;* see above, n. on 34, l. 4.

§ 44.

l. 29 *passus es:* edd. here put ? making *tacuisti, passus es* like *quieveris tacueris* below (see my expl. n.). But it is better to make the three verbs *tacuisti, passus es, questus es* parallel.

§ 45.

l. 9 *tamenne:* my em. for *tamne*, which is less common in Cic., while *tamenne* is better suited to the present passage.

§ 47.

l. 23 *quia:* so H. in ed. min. after Pluygers; cf. n. on § 69, l. 12, below.

§ 48.

p. 52, l. 1 *quod accusas:* so T B C; the rest *qui accuses.*

l. 5 *cogitavit:* so T B C S; some inferior MSS *cognovit.*

l. 6 *coactus sum:* MSS except B C (even T) omit *sum.* Cf. however crit. n. on 31, p. 45, l. 30 *oratoris est.* H quotes Verr. 3, 89 *cur fecit? coactus est. quis dicit? tota civitas.*

l. 11 *istud:* so T B Erf. C only; the rest omit the word.

§ 49.

l. 15 *pater tuus:* H (after Rinkes) marks this as gloss in ed. min. I have doubtfully followed him, but feel sure that he is right (after Campe) in supposing the words *quibus non irascebamini* below to be spurious.

l. 18 *erat:* so C and *codex Parcensis*; T *aderat;* inferior MSS *et erat;* H *at erat.* When the verb *esse* is emphatically put at the beginning of a sentence, it is often left without connecting particle in Cic. In § 54 polemical remarks are thrice introduced without *at* or any other particle. Similarly in 63, l. 19, H gives *at* after Orelli, where MSS omit it.

l. 25 *vetere:* so T B C H; other MSS *veteri*, which is not Ciceronian.

§ 50.

p. 52, l. 28 *honos:* T H, no doubt rightly. Words of this class were beginning to change in Cicero's time; *honos* was one of the last to change, and from all we know of Cic. we may feel sure he would be conservative in such a matter.

p. 53, l. 2 *esse:* MSS omit. Cic. does occasionally use *posse* for *posse fieri*, but *esse* would very readily fall out after *potuisse.* H restores it before *potuisse*, which is less likely.

§ 51.

l. 3 *id aeque:* so T B C (the last *et id* $\overline{eq}$); the rest *idemque.*

l. 8 *si vetera:* so T only and H; B C *sin ea;* the rest *si est causa,* which variants seem to me to point to *si vestra* (contracted to *si vr̄a*); the contraction *cā*=*causa* has partly caused the corruption. For *vestra* cf. 12, l. 14 *illius coniurationis quae facta contra vos, delata ad vos, a vobis prolata esse dicitur.* The so-called first plot of Catiline was hardly old enough to be described by the word *vetera.*

l. 12 *sed quid:* Madvig, H etc. rightly for *et quid.* Cf. explan. n.

§ 52.

l. 20 *et ut:* so I have written for *ut.*

§ 55.

l. 26 *in munere:* the preposition was added by H. Cf. crit. n. on § 5, p. 37, l. 5 *qui in.*

§ 58.

l. 24 *populo...exstiterit:* this passage is omitted in B and C; one of the many curious indications of close connexion between the two.

§ 61.

l. 24 *laborant:* B C *et laborant.* H quotes Quint. 75 *adsunt defendunt;* Div. in Caec. 11 *adsunt quaeruntur;* Verr. 1, 3 *adsit respondeat;* Verr. 5, 127.

l. 27 *quo:* so the inferior MSS; H with T B *in quo.* If *in* is kept it will be necessary to alter the order of the words to *in quo iacet adflictus.* The *in* seems to me to have come from *in hoc* above.

l. 30 *sentirent:* possibly Cic. wrote *consentirent, idem* being nom. plur. as in § 34, l. 5, where see explan. n.

§ 63.

l. 14 *qui si id:* the *si* is absent from MSS and was added by H.

l. 15 *reprehendis:* so T C; the rest *reprehendit.* Possibly Cic. wrote *reprehenditur;* if so the syntax of the sentence becomes clearer; see explan. n.

l. 20 *nuper:* the comma after this word, which greatly improves the sense, is due to H.

§ 65.

l. 4 *deposita:* so H with Erf. only; the other MSS have *posita.*

l. 6 *mandatu:* this is rightly given by T; the other MSS have *mandato;* cf. the common use of *rogatu, arbitratu.*

l. 7 *praetor:* T has *p. r.;* S *pr.;* B *po. ro.;* C *populo Romano* in full. The abbreviations *p. r.* for *populus Romanus*, *pr.* for *praetor* and *r. p.* for *res publica* give rise to many confusions in MSS. Cf. my crit. n. on Arch. § 11. The gap in B C noted above, n. on 58, l. 24, will be seen to be due to the same cause.

l. 8 *egit de:* a plausible but unnecessary em. is that of Sylvius, *egit e.*

§ 68.

p. 58, l. 33 *consulem:* H in ed. min. after Richter for *consul.*

§ 69.

l. 12 *quia:* my correction for *qui;* cf. § 47, l. 23 (crit. n.).

§ 71.

p. 60, l. 3 *a nostra:* so C with *codex Parcensis.* H after T gives *vestra;* the inferior MSS *nostra.*

l. 10 *vi:* after this word or after *armis* most MSS give *conatum;* C has *ornatum*, which explains the corruption; *ornatum* was originally a marginal gloss on *armis*, made by some one unfamiliar with the phrase *vi et armis.*

§ 72.

l. 15 *vitam:* B C S and some other MSS; T *vita;* cf. explan. n.

l. 17 *ecquod:* I have doubtfully retained this, the reading of all MSS and editions. Very possibly it should be changed to *ecquid.* Cic. often has a masculine genitive after the *quid, si quid, ecquid*, and other neuter pronouns; see e.g. Inv. 1, 22 *si quid eorum;* Tusc. 5, 40 *quid istorum est.* The sense would then be, 'is there anything about my client pointing to action or crime due to a very reckless spirit?' *Factum* thus becomes a participle like *commissum;* cf. explan. n.

l. 22 *quis misericordior inventus est?* These words (retained by H) are found only in Erf. and are surely a gloss.

§ 73.

p. 60, l. 33 *quae domus? quae:* possibly *domus quae* is a corruption for *domestica*, as Pluygers suggested, and H. writes in ed. min.

§ 74.

l. 14 *tamen:* this word has probably got displaced in the MSS, and originally stood after *afuit;* so Fleckeisen suggests, and is followed by H in ed. min. If it is in its right place it has the sense of 'however', 'I may remark'.

§ 76.

p. 62, l. 9 *scelerum:* so H with T only; the rest give *facinorum.* I have followed H hesitatingly.

§ 77.

l. 17 *atque vixerunt:* so all MSS except T (*aut*) which H follows. I agree with Richter in thinking that Cic. would shrink from conveying a hint to the jury that some of Sulla's friends had abandoned him.

gregibus: this can hardly be right, after *grege* above. Perhaps the original reading was *coetibus.*

§ 79.

l. 13 *per se:* so H in ed. min. after Mommsen; T has *ipse.*

§ 80.

l. 15 *semper:* Spengel's conjecture, *saepe,* is probable. The two words, when written in contracted forms, are very much alike, and would be easily confused.

Semper
Saepe

§ 81.

p. 64, l. 2 *si postea:* MSS *sed,* exc. S (*si*); probably in the archetypal MS *si* was written *sei,* which passed to *set, sed.*

§ 82.

l. 19 *optime:* Spengel's em. (adopted by H and Richter) for *apertissime,* or *aptissime;* the corruption is partly due to the contraction for *per,* viz. *p* with a line across the downstroke.

§ 83.

p. 64, l. 30 *sed quid ego?* 'But what of my own conduct?' I have altered the punctuation; previous edd. give *sed quid? ego...* Cic. is, I think, pointedly comparing his own conduct with that of the *consulares.* Cf. § 36, p. 48, l. 4 *quid tum Cassius?*

§ 88.

l. 28 *habebit:* H in ed. min. after Pluygers, for *habet.*

reliquae: so MSS exc. E, with which H formerly read *reliqua.*

§ 89.

l. 7 *at ut:* so E T B C; the other MSS omit *ut.*

APPENDIX B

ON THE ORTHOGRAPHY OF THE TEXT.

It is to be hoped that the chaos which has distinguished the orthography of Latin texts published in England will soon be a thing of the past. It was compounded of the errors of inferior MSS and the vain imaginations of scholars of the sixteenth and seventeenth centuries, who altered the spelling of numerous words to suit their supposed etymology. My endeavour has been to present nothing which it is probable Cicero would not have written. The evidence of even the best MSS in these matters is, if taken by itself, insufficient. The writers of MSS naturally obscured the orthography of the earlier times, and introduced the later spellings which were familiar to them. Where the *codices* preserve the older spellings, their testimony is valuable, because we know the preservation must have taken place in the face of the greatest difficulties. But the attempt to follow the best MSS implicitly would produce a chaos only less confounded than that from which we wish to escape. No editor, so far as I am aware, has ever consistently printed the text of any ancient Latin work exactly as it is found in the superior MSS or any one of them. But the result of an attempt to carry out the plan may be seen in such works as Baiter and Halm's Cicero, where the orthography is most hopelessly inconsistent throughout. The spelling of Ciceronian Latin was emphatically not like that of Shakesperian English, to a large extent dependent on caprice. The number of disputed or variable spellings was small; certainly not larger than it is in the English of to-day. Nor must attention to Latin orthography be deemed a matter of supererogation. Chaotic spelling appreciably increases the difficulties which Latin presents to the learner. It also often obscures the formation of the words, and in many cases renders it impossible to pronounce as the ancients did. A reformed orthography is absolutely essential to sound etymology.

The evidence of MSS must be supplemented by that of inscriptions, and from references to orthography in ancient writers, particularly the grammarians; in many other cases arguments from probability based on different grounds are possible. When all available means have been employed a number of doubtful matters must remain; in these uniformity of some sort should be aimed at.

In what follows I have only mentioned things which especially bear on the text of the speech for Sulla.

a. List of words the orthography of which is agreed upon by the majority of scholars who have given attention to the subject.

adulescens, adulescentia; not *adolescens.*

belua not *bellua.*

C. as the abbreviation of the name *Gaius* (*Caius* has no existence); also *Cn.* for *Gnaeus* (*Cnaeus* has no existence). Cf. my n. on Lael. § 3.

ceterus not *caeterus.* The form *caeterus* is rare in MSS (*ē* in all words gets represented *occasionally* by *ae*) but gained acceptance because scholars of the 17th cent. ludicrously derived the word from *καὶ ἕτερος.*

condicio not *conditio* (which is a rare word connected with *condere* 'to build').

contio not *concio.* The question is settled by the form *coventionid* in the *Sctum de Bacchanalibus.* Corssen has shewn that in classical Latin *ti* never passed to *ci.*

cum or *quom* not *quum.* It is the rarest possible thing to find *quum* even in a bad MS. The form seems to have been adopted by scholars of two or three centuries ago because they found *qum* on inscriptions, which they thought must be a mistake for *quum.*

discidium not *dissidium.* Madvig has devoted an excursus at the end of his 'De Finibus' to the spelling of this word. Several of the best MSS of the 'pro Sulla' give the correct form. The word is connected with *discindere* not with *dissidere.*

epistula not *epistola.*

honos not *honor;* see above, p. 164.

intellego not *intelligo;* so *neglego, neglegentia.* The MS marked T by Halm nearly always gives the correct spelling.

internicio not *internecio* or *internitio.*

lacrima or *lacruma* not *lachryma* or *lacryma.* These last forms are typical examples of the way in which false orthography has spread. *Y* was a letter not reckoned by the Romans, even in Quintilian's time, as belonging to the Latin alphabet, and was only used in spelling words distinctly recognised as Greek. The fact that *δάκρυ* and *lacrima* come ultimately from the same root has of course nothing to do with the spelling of *lacrima,* which was certainly not borrowed from *δάκρυ,* as *Syrus* for example was from *Σύρος. Inclytus* and *sylva* are examples of the same error.

litterae not *literae.*

maeror, maerere, not *moeror, moerere.*

multare not *mulctare.* The spelling of the word is abundantly demonstrated by inscriptions.

nuntius not *nuncius*, so *denuntiatio*. The modern Italian form no doubt led to the spelling *nuncius*. *Nuntius* is for *novent- ius* 'the news-bringer'.

paulo not *paullo;* so *paulisper*.

quotiens not *quoties;* so *totiens*. The best MSS of our speech give us the right form.

repperit not *reperit;* so *rettulit, rettudit*.

Sulla not *Sylla*.

suscenseo not *succenseo*; *sus* from *subs*, *sups* as in *suscipere* etc. The best MSS of the 'pro Sulla' give *suscenseo*.

b. Other orthographical matters.

ae, oe should be written, not *æ, œ*. If students use the contractions in their own writing, it is often impossible to determine which of the two diphthongs they mean.

aliquis, aliqui. It is better to use the second of these forms when the pronoun is distinctly adjectival. See the explanatory n. on § 39, l. 27; so *ne quis, ne qui* etc.

caussa: I accept Quintilian's evidence that Cicero wrote thus, not *causa*.

-e not *-is* in the second person singular, present subjunctive deponent or passive, but *-is* not *-e* in the second person singular present indicative deponent or passive. The MSS of this speech are singularly clear on this point.

e (final) not *-i* in ablatives like *vetere*.

eis not *iis;* see below on *isdem*.

-ī not *-īī* in the genitive singular of *substantives* ending in *-ius, -ium;* thus *Tulli, Hortensi, exsili* etc.; but in adjectives *-ii* as *necessarii*. Although editors of Cicero have not generally adopted these spellings they can be conclusively shewn to be right. Similarly *dī* not *dii* (nor *dei*).

-ī not *-ē* in the *accusative* plural (masc. or fem.) of nouns, adjectives or participles whose genitive plural ends in *-ium*. For Cicero this rule has a high degree of probability.

i not *iī* in words like *obicere, reicere, eicere*.

i should be written everywhere, not *j*, when the Latin symbol had the consonantal sound. The pronunciation of our *j* is so utterly unlike that of the Latin consonantal *-i* that to use it leads to great confusion.

incohare not *inchoare;* see n. on § 73.

isdem or *eisdem* not *iisdem*. It can be proved that the word, however spelt, was in Cicero's time dissyllabic. So probably *eis* or *is* not *iis*. The errors of MSS often indicate the true forms, which are in the best often preserved.

pulcherrimus. The *ch* in this word was due to 'vulgar aspiration', and was just creeping into the word at the end of Cicero's life.

quae not *qua* was probably written by Cicero in the feminines from *ne quis, si quis* etc.

uo or *vo* not *uu* or *vu* should be adopted for the text of Cicero, except in a few words like *tuus suus*, where the change was complete at the end of Cicero's life.

xs should probably be written in texts of Cicero in words where both the *x* and the *s* are etymologically justifiable; thus *exsilium exspectatio exstitit*.

The general tendency of scholars is not to run together the component elements of expressions like *qua re, quam ob rem, res publica, magno opere, tantum modo, ne quis, si quis* etc. In words compounded with prepositions it is impossible to lay down general rules for the assimilation of the preposition to the succeeding word.

Even a cursory glance at a good text of Cicero will bring to light his fondness for contracted verb-forms. In the speech for Sulla there are about fifty-four instances of forms containing *v* between vowels where contraction is possible; in all but three or four instances the best MSS give the contracted form only. It is probable that Cic. regularly wrote *-assem* etc. and *-asse* not *-avissem* etc. and *-avisse;* also probably (though this is rather more doubtful) *-asti, -astis* not *-avisti, -avistis; -aro, -arim* etc. not *-avero, -averim; -aram* not *-averam*. So in Cic. *-issem, -isse, -iero, -ierim, -ierunt* are more likely than the uncontracted forms; *cognoram* is better attested than *cognoveram, nosse* than *novisse;* more doubt hangs over words like *decrerim, decresse,* but *audiissem* is not Ciceronian. It is highly probable that in the every-day pronunciation of Latin the contractions were always used.

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